



W.P(MD)No.10414 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10414 of 2024

and

W.M.P.(MD)No.9375 of 2024

J.Sahaya Kapil Bosco, Proprietor,
M/s. M. John Bosco Building,
Contractor Class - I, No.81B,
Amaravathivillai,
Marungoor Post,
Kanyakumari District.

... Petitioner

Vs.

- 1.The Site Director,
Nuclear Power Corporation of India Limited,
Kudankulam Nuclear Power Project,
Kudankulam, Tirunelveli District.
- 2.The Chief Engineer,
Civil Infra and Estate Management,
Nuclear Power Corporation of India Limited,
Kudankulam Nuclear Power Project,
Kudankulam, Tirunelveli District.
- 3.The Additional Chief Engineer (C & EM),
Nuclear Power Corporation of India Limited,
Kudankulam Nuclear Power Project,
Kudankulam, Tirunelveli District.
- 4.The Engineer In-Charge,
Civil Township,
Nuclear Power Corporation of India Limited,



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Kudankulam Nuclear Power Project,
Kudankulam, Tirunelveli District.

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Completion Certificate for the Work Order No.300403 dated 16.09.2021 on the file of the respondent Nos.3 and 4 and quash the same as illegal and consequentially for a direction directing the respondent Nos.3 and 4 to issue the Completion Certificates and Experience Certificates in the name of petitioner with respect to the works of Construction of Additional class room building to Bharat Middle School, Vairavikinaru respectively was allotted to the petitioner's fathers company (Work Order No.300403) in the Nuclear Power Corporation of India Limited (NPCIL) Kudankulam facilitation the petitioner to participate in all the future tenders eligible for Class – I contractors in NPCIL, Kudankulam, within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.C.Muthu Saravan

ORDER

Heard both sides.



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2..The petitioner's father / John Bosco was issued with two work orders by Nuclear Power Corporation of India, Kudankulam. Before, he could complete the works, he passed away. The petitioner completed the balance works. All that the petitioner wants is issuance of completion certificate in his name.

3.The learned standing counsel appearing for Nuclear Power Corporation of India points out that the completion certificate is auto generated by GeM portal. Since the work order is in the name of the petitioner's father, the completion certificate will also be in his name. Therefore, the respondents have expressed their inability to comply with the petitioner's request.

4.I do find considerable force in the contention advanced by the learned standing counsel. But then, the special facts in the case will have to be taken note of. Admittedly, the petitioner's father did not complete the works. It is the petitioner who completed the remaining works after the demise of his father. Therefore, it is only just and proper that the completion certificate is issued in favour of the petitioner because it was he who completed the works. I, therefore, direct the third respondent to issue manual certificate (completion certificate) in favour of the petitioner herein.



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5.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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