



W.P.(MD) No.19427 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.19427 of 2016
and
W.M.P.(MD) Nos.14007 and 15078 of 2016**

M/S.AVP Constructions (P) Ltd.,
rep by its Managing Director,
D.Prasanna

... Petitioner

/vs./

1.The Chief Engineer,
Highways, Construction and Maintenance,
Highways Office Buildings,
HRS Campus,
Sardar Patel Road,
Chennai 600 025.

2.The Superintending Engineer,
Highways, Construction and Maintenance,
Subramaniapuram,
Trichy 620 020.

3.The Divisional Engineer,
Highways, Construction and Maintenance,
Subramaniapuram,
Trichy 620 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order of the 3rd Respondent in his letter No. 48/16/M dated 21.04.2016 and quash the same and consequently forebear the Respondent from recovering the amounts based on the above said impugned order.

For Petitioner : Mr.C.Mahendran
For Respondents : Mr.J.K.eyaseelan
Government Advocate

ORDER

The writ petition has been filed challenging the order passed by the third respondent in letter No.48/16/M dated 21.04.2016 and for the consequential direction to forebear the respondent from recovering the amounts based on the above said impugned order.

2. Pending this litigation, the Government in G.O.(Ms) No.17, Highways and Minor Ports (HN.2) Department, dated 06.03.2023, had constituted a High Level Dispute Resolution Committee (*herein after referred to as Committee*) for resolving the disputes between the Government and the contractors. If the monetary value is more than Rs.10,00,000/-, the Director General, Highways Department is nominated as Chairman, the other members of the Committee is a Director, Highways Research Station, a nominee from Finance Department, a



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nominee from Law Department and Chief Engineer to whom the dispute pertains to shall act as convener. The purpose of such Committee is to resolve the disputes without approaching the civil Court as indicated in the Standard Bid Documents.

3. In the present case, as per the agreement, the value of the dispute is more than Rs.5 Crore and therefore, the parties have to approach the civil Court. Since the Committee had been constituted to avoid the disputes before the civil Court, I am inclined to refer this claim made by the petitioner to the Committee constituted under the said Government Order. The first respondent herein shall refer the claim of the petitioner to the Committee constituted under the aforesaid Government Order within a period of two months from the date of receipt of a copy of this order.

4. With such liberty, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No

16.12.2024

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K.KUMARESH BABU, J.

mm

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