



W.P.(MD) No.21178 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.21178 of 2016
and
W.M.P.(MD) No.15134 of 2016**

M/S.Sri Balaji Construction,
A Partnership Firm represented
through its Partner
Raghavan

... Petitioner

/vs./

1.The Superintending Engineer (H),
C & M High Ways Department,
C & M Circle,
Post Box No.149,
Tirunelveli 627 002.

2.The Divisional Engineer,
C & M, Highways Department,
Madurai Road,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in letter No.42/2016 A2 dated 22.07.2016, quash the same and



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consequently to direct the 2nd respondent to disburse the sum of Rs.70,51,262/- illegally deducted by him along with the sum of Rs.13,21,753-65 with interest at 24% from the date of deduction till date of payment.

For Petitioner : Mr.A.Sivaji

For Respondents : Mr.J.K.Jeyaseelan
Government Advocate

ORDER

The writ petition has been filed challenging the letter issued by the second respondent in letter No.42/2016 A2 dated 22.07.2016 and for the consequential direction to the second respondent to disburse the sum of Rs.70,51,262/- illegally deducted along with the sum of Rs.13,21,753.65/- with interest at 24% from the date of deduction till date of payment.

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



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Department is nominated as Chairman, the other members of the Committee is a Director, Highways Research Station, a nominee from Finance Department, a 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.10,00,000/- 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



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closed.

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Internet : Yes / No

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To

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K.KUMARESH BABU, J.

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