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W.P.No.3703 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.3703 of 2025

M/s.EK Infrastructure Private Limited,
Rep. by its Authorised Signatory T.Rajeev ... Petitioner
Vs.

The Commissioner,
Coimbatore Municipal Corporation,
Big Bazaar Street,
Coimbatore – 641 001. ... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to consider and pass appropriate orders on the representation of the petitioner company dated 17.12.2024 and received by the respondent on 19.12.2024 wherein a request has been made to reconsider the making of payment of Rs.66,16,387.50/- (Rupees Sixty Six Lakh Sixteen Thousand Three Hundred and Eighty Seven and paise Fifty only) for the work order bearing Na.Ka.No.5208/2015/MD4 in the light of the recommendations of the Chief Engineer, Executive Engineer, Assistant Executive Engineer and Assistant Engineer on 21.01.2022.

For Petitioner : M/s.Ganesh and Ganesh



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For Respondent : Mr.A.M.D.Mukilan

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ORDER

The petitioner has filed this petition to direct the respondent to consider and pass appropriate orders on the representation of the petitioner company dated 17.12.2024 and received by the respondent on 19.12.2024 wherein a request has been made to reconsider the making of payment of Rs.66,16,387.50/- (Rupees Sixty Six Lakh Sixteen Thousand Three Hundred and Eighty Seven and paise Fifty only) for the work order bearing Na.Ka.No.5208/2015/MD4 in the light of the recommendations of the Chief Engineer, Executive Engineer, Assistant Executive Engineer and Assistant Engineer on 21.01.2022.

2. Since no adverse order has been passed, this writ petition is taken up for final hearing.

3. The case of the petitioner is that one M/s Vardhan Infrastructure a registered Class-I Contractor under the respondent Corporation had submitted bids for carrying out works based on tenders floated by the respondent. The said M/s Vardhan Infrastructure has executed several works



in almost all the Government Departments in Tamil Nadu as well as Municipal Corporations and it was eventually acquired by the petitioner company. The petitioner company was awarded the work of Operation and Maintenance of Vermi Compost Plant at Vellalore for Coimbatore Corporation bearing referece Na.Ka.No.5208/2015/MD4 by the respondent. The work order was issued for an initial period of 3 years, but then the same was duly extended and was continued by the petitioner company till the end of 2021. Bills were raised by the petitioner company for the period from 01.06.2021 to 30.11.2021 to the tune of Rs.66,16,387.50/-. However, the same was not disbursed.

3.1. The petitioner company had earlier filed a Writ Petition in W.P.No.4037 of 2022 before this Court seeking appropriate directions and accordingly this Court issued directions to consider the representation dated 27.01.2022 along with other representations on 12.07.2022 and the same was to be considered within 6 weeks. But, the same was not complied by the respondent. Therefore, the petitioner company filed a Contempt Petition in Cont.P.No.2816 of 2022 before this Court. Subsequently, a Compliance



report was issued by the respondent in respect of all works except for the aforesaid work of operation and maintenance of the Vermi Compost Plant at Vellalore, alleging that the petitioner company has improperly handled the infrastructure, machineries, earthworms and also failed to provide supportive reports, documents and also the waste quantity processed to prove the claim in the invoice/bill. Further, no proper hand over was done and that damages were incurred to the assets installed.

3.2. In the aforesaid circumstances, the petitioner company sent a detailed representation, highlighting the facts narrated above to the respondent on 17.12.2024 and the same was received by the respondent on 19.12.2024. However, the same was not considered, till date. Hence, the petitioner has come forward with the present writ petition.

4. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to the respondent to consider the petitioner's representation dated 17.12.2024 and pass appropriate orders on merits and in accordance



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with law, within a particular time frame stipulated by this Court.

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5. Learned counsel appearing for the respondent has no objection for the said order being passed by this Court.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. Considering the limited prayer sought for by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the respondent to consider the petitioner's representation dated 17.12.2024, after giving due notice to the petitioner, affording an opportunity of personal hearing, conducting enquiry and pass appropriate orders on merits, in accordance with law and by following/observing the above principles of natural justice, within a period of six weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the aforesaid observation and



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directions. No costs.

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

J.SATHYA NARAYANA PRASAD,J.

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To:

The Commissioner,
Coimbatore Municipal Corporation,
Big Bazaar Street,
Coimbatore – 641 001.

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