



W.P.No.2518 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.2518 of 2025

M/s.KCP Infra Ltd.,
(Formerly known as “KCP Engineers Ltd.,)
Reg. Office at No.4,
Ground Floor, Aalayam Space,
Ananda Road, Alwarpet,
Chennai – 600 018.
Rep by its Director,
K.Muthukumarasamy

...Petitioner

-Vs-

1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St.George,
Chennai – 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.

3.The Superintending Engineer,
Storm Water Drain Department,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.

...Respondents



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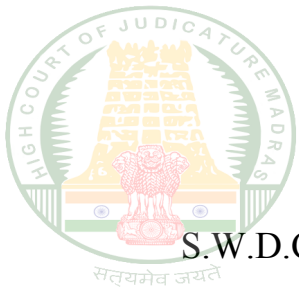
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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents to disburse the present bills amount of Rs.21.39 cr (Rupees Twenty One Crores Thirty Nine Lakhs Only) along with interest to the petitioner, towards the value of the work done in work order numbers viz., 1)S.W.D.C.No.B1/662-3/2020 dated 12.01.2021 2) S.W.D.C.B1/662-21/2020 dated 11.02.2021, 3) S.W.D.C.B1/662-29/2020 dated 20.02.2021 and 4) S.W.D.C.B1/662-33/2020 dated 05.02.2021 by the petitioner in Chennai Corporation by considering petitioner's representation dated 16.09.2024 and 20.12.2024 and pass such further orders.

For Petitioner : Mr.S.Doraisamy
For R1 : Mr.S.Rajesh,
Government Advocate
For R2 & R3 : Mr.E.C.Ramesh
Standing Counsel

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to disburse the present bills amount of Rs.21.39 crores (Rupees Twenty One Crores Thirty Nine Lakhs Only) along with interest to the petitioner, towards the value of the work done in work order numbers viz., 1)S.W.D.C.No.B1/662-3/2020 dated 12.01.2021 2)



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S.W.D.C.B1/662-21/2020 dated 11.02.2021, 3) S.W.D.C.B1/662-29/2020

dated 20.02.2021 and 4) S.W.D.C.B1/662-33/2020 dated 05.02.2021 by the petitioner in Chennai Corporation by considering the petitioner's representation dated 16.09.2024 and 20.12.2024.

2. The case of the petitioner is that it is a registered Class-1 contractor under the respondents' Corporation. The petitioner executed several works in almost all the Government Departments in Tamil Nadu as well as Municipal Corporations. This being so, the respondents had called for tenders for executing certain works related to the construction of an integrated Storm Water Drain. The petitioner has participated in the above tenders and became the successful bidder for which work orders have been issued to the petitioner herein on various dates for executing various works as stated above. Apart from issuing work orders for the aforesaid respective works, agreements have also been entered into between the same; the petitioner has been executing the works and the work is under progress.

3. The grievance of the petitioner is that payments have not been disbursed, though he had successfully completed the various stages of work and finally raised the bill pertaining to the completed work. The total



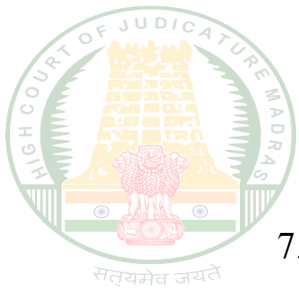
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pending payment was Rs 21.39 Crores. However, no action was taken to settle the bill amount by the respondents. The petitioner made two representations on 16.09.2024 and 20.12.2024 respectively, requesting the respondents to make payment. However, no payment was made till date. Aggrieved by the same, the petitioner has come up with the present writ petition.

4. The learned counsel for the petitioner relies on the Payment Clause No.50 mentioned in the respective agreement as well as the tender document, the payment shall be made within 28 days of the date of each bill. If the respondent makes a late payment, the petitioner shall be paid finance charges on the late payment.

5. Learned standing counsel appearing for respondents 2 and 3 would submit that the above said representation of the petitioner would be considered on merits, in accordance with law, within a period of two weeks.

6. Heard both sides and perused the materials available on record.



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7. Without going into the merits of the case, this Court is inclined to pass the following directions:

- a) The 2nd respondent is directed to consider the representation of the petitioner dated 16.09.2021 and 20.12.2024 in regard to disbursement of balance payments for the works completed by the petitioner as per the work order.
- b) The 1st respondent is directed to give due notice to the petitioner, opportunity of personal hearing to the petitioner and to consider the documents submitted by the petitioner and pass orders on merits, in accordance with law, within a period of two weeks.
- c) The 2nd respondent shall also consider granting interest at the rate of 5% from the date the work was completed since the amount is a huge amount to the tune of Rs.21.39 crores, which has been held by the respondents since February 2021.

In the result, the **writ petition stands disposed of with the above observations and directions.** No costs.

03.03.2025

cda
Index : Yes/No
Speaking/Non Speaking order



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J.SATHYA NARAYANA PRASAD, J.

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To

- 1.The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
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