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W.P.No.4646 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.4646 of 2025

M/s.RVS Constructions,
No.200, Mettupalayam,
Jothi Nagar Post,
Ponneri,
Thiruvallur – 601 203,
Rep. by its Partner,
R.V.Suresh Babu

... Petitioner

Vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.
- 2.The Superintending Engineer,
Storm Water Drain Department,
Greater Chennai Corporation,
Chennai – 600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to release the finance charges payment for Bill.No.2 dated 14.08.2023 (payment received on 27.09.2023), Bill No.4 dated 17.11.2023 (payment received on 06.02.2024) and Bill.No.5 dated 15.07.2024 (payment received on



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14.11.2024), totally to a sum of Rs.28,69,061/- to the petitioner for the work executed in pursuant to the work order in S.W.D.C.No.B3/2070/07/2022 dated 03.02.2023 on the file of the second respondent as per the representation of the petitioner dated 03.12.2024.

For Petitioner : Mr.S.Doraisamy

For Respondents : M/s.P.T.Ramadevi
Standing Counsel

ORDER

The petitioner has filed this petition to direct the respondents to release the finance charges payment for Bill.No.2 dated 14.08.2023 (payment received on 27.09.2023), Bill No.4 dated 17.11.2023 (payment received on 06.02.2024) and Bill.No.5 dated 15.07.2024 (payment received on 14.11.2024), totally to a sum of Rs.28,69,061/- to the petitioner for the work executed in pursuant to the work order in S.W.D.C.No.B3/2070/07/2022 dated 03.02.2023 on the file of the second respondent as per the representation of the petitioner dated 03.12.2024.

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



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3. The case of the petitioner is that he is a Class-1 contractor under the respondents. In the year 2022, the second respondent has called for the tender for construction of integrated storm water drain works in M1 & M2 components in Kovalam Basin in expanded area of Greater Chennai Corporation (Package 7) covering various streets of Zone-14 & 15 in SWD.C.No.B3/2020/4-12/2022 dated 04.05.2022. The petitioner was a successful bidder during the tender and the second respondent issued a letter of acceptance dated 03.02.2023. Thereafter, agreement was executed between the petitioner and the respondents on 06.03.2023. As per the agreement, the total contract period was 2 years and the work will be completed on or before 17.02.2025. The petitioner relies on the General Condition of Contract clause to release the financing charges for the delayed payments made on Bill No.2 dated 14.08.2023, Bill No.4 dated 17.11.2023 and Bill No.5 dated 15.07.2024. However, the same was not released. Hence, petitioner made representation dated 03.12.2024 before the respondents requesting to release the financing charges for the delay as per



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the clause 58.1 and 58.2 of General Condition of Contract. Since, no payment was released till date, 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 first respondent to consider the petitioner's representation dated 03.12.2024 and pass appropriate orders on merits and in accordance with law, within a particular time frame stipulated by this Court.

5. Learned standing counsel appearing for the respondents 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 relief sought for by the learned counsel for



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the petitioner, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 03.12.2024 and pass appropriate order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the aforesaid observation and directions. No costs.

12.02.2025

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

- 1.The Commissioner,
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- 2.The Superintending Engineer,
Storm Water Drain Department,

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Greater Chennai Corporation,
Chennai – 600 003.

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