



WEB COPY

WMP No. 13836 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-02-2025

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THE HONOURABLE MR JUSTICE S.M. SUBRAMANIAM

WMP No. 13836 of 2024

IN

WP NO. 11074 OF 2024

M/s.AM Builders,
Rep. By Its Partner Mr.A.Murugan,
S/o.Angamuthu, No. 1,Sakthi Nagar West,
Thindal, Erode, Tamil Nadu -638012.

Petitioner(s)

Vs

The Union Of India,
Rep. By Chief Engineer, Military Engineering
Service, Headquarters, Chennai Zone, Island
Ground, Anna Salai, Chennai -600009.

Respondent(s)

PRAYER

To modify its order passed in the Writ Petition No. 11074 of 2024, notwithstanding the dismissal, as follows in para 11 instead of since the arbitration clause is available in the contract, the petitioner is at liberty to invoke the same to redress his grievance if any exist, and replace it with, since the arbitration clause is available in the contract, the Petitioner is at liberty to invoke the same to redress his grievance if any exist, and also the petitioner is given the liberty to send a representation to the Respondent seeking extension of 2 months time to complete the remaining project work, and the Respondent, shall consider it in accordance with law

For Petitioner(s):

M.Vijayakumar



WEB COPY

WMP No. 13836 of 2024



For Respondent(s): M/s. V.Chandrasekaran,
Senior Panel Counsel

ORDER

The Writ Miscellaneous Petition has been instituted to modify the order passed in W.P.No.11074 of 2024.

2. Learned counsel for the respondent would submit that Division Bench of this Court passed an order in W.A.No.1678 of 2024 dated 11.09.2024, filed against the order W.P.No.11074 of 2024. The relevant portion of the order reads as follows,

“9. On an overall consideration of the rival submissions canvassed and the affidavit filed by the appellant, we dispose of the appeal with the following directions:

(i) The respondent is directed to extend the time for completing the remaining project work in “SPECIAL REPAIRS TO J COY CADETS ACCN BLOCK (BLDG NO.308) AT OTA CHENNAI UNDER GE STM” by a period of 60 days. Such order shall be passed by the respondent within one week from the date of receipt of a copy of this judgment.

(ii) Upon receipt of the extension order, the appellant shall commence the work and complete the same within a period of 60 days in compliance of the order to be passed by the respondent, as directed herein above.

(iii) If the appellant fails to complete the work within the extended period of 60 days, the appellant shall forfeit the entire amount payable to the appellant.

(iv) The other terms and conditions/tender conditions entered into between the parties are binding on both the appellant and the respondent.

(v) No further extension of time will be granted to the appellant.

(vi) In case of any violation of the conditions, supra, it is open to the respondent authority to proceed further in



WMP No. 13836 of 2024



accordance with law and as per the terms and conditions of the agreement/tender conditions.”

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3. In view of the order passed by the Division Bench of this Court in W.A.No.1678 of 2024, dated 11.09.2024, no further consideration is required and accordingly, the Writ Miscellaneous Petition stands dismissed.

28-02-2025

To

1.The Union Of India,
Rep. By Chief Engineer, Military Engineering
Service, Headquarters, Chennai Zone, Island
Groud, Anna Salai, Chennai -600009.

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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WEB COPY

WMP No. 13836 of 2024



S.M.SUBRAMANIAM J.

GD

WMP No. 13836 of 2024

IN WP NO. 11074 OF 2024

28-02-2025