



WEB COPY

WP No. 23002 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 23002 of 2023

1. Ganesh Electricals
Rep. By Its Sole-proprietor,
B.Kumareson,
S/o.Balashanmugam,
Having Registered Office At
No.1, Second Floor, New Street, Sakthi
Nagar, Porur, Chennai-600 116.

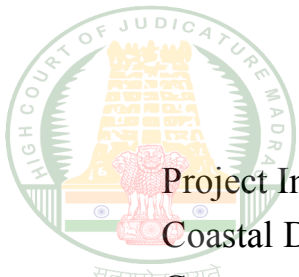
Petitioner(s)

Vs

1. Union Of India
Rep. By The Chief Secretary,
Chairman-project Implementation Agency,
Government Of Puducherry,
Chief Secretariat, Puducherry-605 001

2.The Project Director
Project Implementation Agency,
Coastal Disaster Risk Reduction Project,
Government Of Puducherry,
5th Floor, A-Block, PKC Educational Complex,
100-feet Road, Anna Nagar,
Nellithope, Puducherry-605 005.

3.The Executive Engineer (electrical)



Project Implementation Agency,
Coastal Disaster Risk Reduction Project,
Government Of Puducherry,
5th Floor, A-Block, PKC Educational Complex,
100-feet Road, Anna Nagar,
Nellithope, Puducherry-605 005.

Respondent(s)

PRAYER

Directing the respondents to comply and make payment of the amounts directed to be paid by them to the petitioner in terms of the orders passed by the Adjudicator in respect of the Agreement No.11/ PIA/ EE/ Electrical/ Pdy/ 2015-16 and in respect of Agreement No.12/PIA/ EE/ Electrical/ Pdy/ 2015-16 dated 03.04.2023.

For Petitioner(s): Mr.R.Natarajan

For Respondent(s): Mr.V.Vasanth Kumar
Additional Government Pleader(Pondicherry)

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to make the payments in terms of the order passed by Adjudicator in respect of the agreement dated 03.04.2023.

2. The petitioner was awarded project works under Agreement Nos. 11 and 12 by the respondents 2 and 3 on 15.03.2016. He successfully completed the work after time was extended by the respondent on 21.01.2021 and 25.03.2021, respectively, under both agreements. The completion certificates



were also given by the 3rd respondent.

WEB COPY

3. The petitioner raised a dispute regarding the terms of the agreement clause with the respondent with respect to the unresolved claims, and the dispute was referred to the Adjudicator as per the agreement. The Adjudicator, after having entered the reference, passed an order dated 03.04.2023, and insofar as Agreement No. 11, the Adjudicator came to the conclusion that the petitioner would be entitled to a total sum of Rs. 2,14,89,699/- along with 8% interest. Insofar as Agreement No. 12, the Adjudicator came to the conclusion that the petitioner would be entitled to Rs. 2,89,98,943/- with interest at the rate of 8%. The specific case of the petitioner is that the order of the Adjudicator has become final and has not been questioned, and such order was passed in line with the agreement between the parties. Since this amount was not paid, the petitioner has approached the Court seeking for appropriate directions.

4. The 3rd respondent has filed a counter. The 3rd respondent has taken a stand that the writ petition itself is not maintainable since the petitioner has raised a civil dispute with respect to payments that are due and payable to the petitioner. The respondents have also taken a stand that if at all any amount is due and payable, it has to be recovered only by filing a civil suit before the competent Court. The respondents have further taken a stand that the 3rd respondent has become defunct and is in the process of being wound up. Hence, the question of recovering the amount on the basis of the order passed by the



Adjudicator after a considerable delay is unsustainable. Accordingly, the respondents have sought the dismissal of the writ petition.

WEB COPY

5. Heard Mr.R.Natarajan, learned counsel for the petitioner and Mr.V.Vasantha Kumar, learned Additional Government Pleader (Pondicherry) for the respondents.

6. In the considered view of this Court, there was an agreement between the parties based on which the petitioner had undertaken certain works. There was a dispute regarding the claim made by the petitioner, and as per the agreement, an Adjudicator was appointed. The Adjudicator, after considering the claim, passed order on both Agreement Nos. 11 and 12.

7. In spite of the determination of the amount payable to the petitioner by the Adjudicator, the amount was not paid to the petitioner, and the order passed by the Adjudicator was also not put to challenge.

8. This Court will not exercise its jurisdiction under Article 226 of the Constitution of India only in cases where there is a disputed claim. In the instant case, the amount payable to the petitioner has already been determined by the Adjudicator, and hence, it is not necessary for the petitioner to once again go before the civil court to establish his relief. Just because the 3rd respondent is under financial doldrums that does not mean that the amount that is payable to



the petitioner should be delayed. The amount that has been determined by the Adjudicator is quite a substantial amount payable to the petitioner. Such adjudication was done as early as on 03.04.2023, and till date, the petitioner has not received the amount.

9. In the light of the above discussion, there shall be a direction to the respondents to comply with the adjudication made by the Adjudicator and settle the amount payable to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

10. This writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

18-06-2025

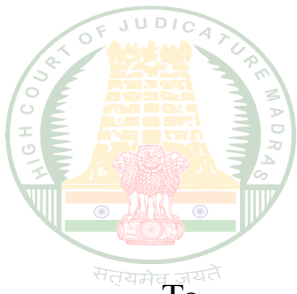
gd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
WEB COPY

1.Union Of India

Rep. By The Chief Secretary,
Chairman-project Implementation
Agency, Government Of Puducherry,
Chief Secretariat, Puducherry-605 001

2.The Project Director

Project Implementation Agency,
Coastal Disaster Risk Reduction
Project, Governemnt Of Puducherry,
5th Floor, A-block, Pkc Educational
Complex, 100-feet Road, Anna Nagar,
Nellithope, Puducherry-605 005.

3.The Executive Engineer (electrical)

Project Implementation Agency,
Coastal Disaster Risk Reduction
Project, Governemnt Of Puducherry,
5th Floor, A-block, Pkc Educational
Complex, 100-feet Road, Anna Nagar,
Nellithope, Puducherry-605 005.



WEB COPY

WP No. 23002 of 2023



N.ANAND VENKATESH J.

gd

WP No. 23002 of 2023

18-06-2025