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WP No. 34114 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10-09-2025**

CORAM

**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**WP No. 34114 of 2025  
& WMP NO. 38265 OF 2025**

B.S. Engineers and Contractors,  
No. 8-4-1 20/10 Nani Mohamed Apartments,  
Samskhan Pallivasal Street,  
Tirupathur, 630211, Sivagangai District,  
Rep By Partner V Sevuga Raja.

Petitioner(s)

Vs

1. The State of Tamil Nadu  
Rep by Secretary to Government,  
Highways Department,  
Fort St George,  
Chennai 600 009.
- 2.The Chief Engineer  
Highways Projects/Convener,  
High Level Disputes Resolution Committee,  
Highway Department, Chennai 600 25.
- 3.The Superintending Engineer(H)  
Project Circle, Chennai 600 016.

Respondent(s)

**PRAYER;** This writ petition has been filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent to refer the



dispute to Arbitration as per G. O Ms no. 17 Highways and Minor Ports (HN.2) Department, dated 06.03.2023 within stipulated time fixed by this Honourable Court.

For Petitioners: Mr.D.Balaraman  
For Respondents: Mr.P.Kumaresan, AAG  
Assisted by Mrs.S.Anitha, SGP

### **ORDER**

The writ petition has been filed seeking a direction to the respondent to refer the dispute to Arbitration as per G. O Ms no. 17 highways and minor Ports (HN.2) Department dated 06.03.2023.

2. It is the case of the petitioner that the petitioner has entered into an agreement with the Highways Department on 28.09.2018 for construction of High Level Bridge across Thondiyar River, Alagramam, Thenpudur Road. The petitioner, by its letter dated 26.11.2018, informed the Divisional Engineer about mobilization of resources and requested to solve land acquisition issue and to hand over possession of site. Due to delay in Land Acquisition, the Superintending Engineer on 17.03.2020 granted extension of time for 6 months. On 03.03.2022, the Divisional Engineer issued show cause notice stating slow progress of works. The petitioner submitted a detailed reply on 18.03.2022 pointing out the delay attributed to the Department. However, the Superintending Engineer, on 09.05.2022 passed order on termination of contract without considering the fact for the delay explained by the petitioner. Thereafter, the petitioner made a representation to the Secretary to Government



with regard to the termination. On 02.02.2023, the Deputy Secretary to Government instructed the Chief Engineer to send report in this regard. Due to termination, the petitioner was prevented from participating in tenders. Hence, the petitioner filed writ petition in W.P.no.5726 of 2024. During pendency of the writ petition, the Superintending Engineer, vide its letter dated 10.02.2025, requested the petitioner to withdraw the writ petition so as to consider the withdrawal of termination order. When the matter came up for hearing before this Court, the petitioner has brought to the notice of the said letter of the Superintending Engineer dated 10.02.2025 and requested to pass appropriate orders. This Court vide order dated 26.03.2025, recording the said letter issued by the respondent and permitted to withdraw the writ petition. Thereafter, the petitioner communicated the copy of the above order to the Superintending Engineer on 27.03.2025 explaining the reasons for the delay and requesting to cancel the termination and issue appropriate orders to continue the works with new rates or price adjustment from 2018 and provide clear possession of site, designs. The Divisional Engineer on 08.07.2025, without considering the same, stating that the petitioner have not proceed the works. Hence, the petitioner has approached this Court.

3. The learned counsel for the petitioner submitted that since the disputes in the Highways Department getting delayed resulting in various other issues, the Director General, Highways Department, proposed to create a mediation mechanism for early settlement/resolution disputes. Based on that, the



Government created and constituted four members, a High Level Dispute Resolution Committee (HLDRC) in G.O.Ms.No.17 Highways & Minor Ports (HN.2) Department dated 06.03.2023, wherein the Chief Engineer, highways shall act as convener with detailed procedures to be followed. Accordingly, in G.O.ms.No.60 Highways & Minor Ports (HF1) Department dated 20.03.2023 Chairman Members are also notified. It is also specifically stated that the resolution of disputes may be done by resorting to arbitration under provisions & conciliation Act, 1996 rather than approaching civil courts as indicated in standard bid documents. The petitioner, in its order dated 05.09.2023, based on the above G.O. Requested the chief engineer as convener of the HLDRC to place the dispute before it and provide opportunity to substantiate its case and settle the issue amicably. However, the Chief Engineer, Highways without referring or placing the dispute to the HLDRC and without providing an opportunity, reiterated the order of absolute determination, which is contrary to the object of the above said G.O. Dated 06.03.2023.

4. The learned Additional Advocate General appearing for the respondents submitted that initially the contract was entered into between the petitioner and the respondents in the year 2018. Due to slow progress, the contract was terminated. Thereafter, the respondents conducted re-tender and again the tender was ordered to the petitioner. Even thereafter, the petitioner has not completed the work. However, the respondents will decide whether the dispute can be referred to the expert committee formed in terms of



G.O.Ms.No.17 dated 06.03.2023 or not.

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5. Considering the facts and circumstances of the case and in order to resolve the dispute, this Court directs the petitioner to make a fresh representation to the second respondent for availing the benefits of the Government Order in G.O.Ms.No.17 Highways & Minor Ports (HN2) Department dated 06.03.2023 within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the said representation, the second respondent is directed to refer the same to the Expert Committee, which is formed by the Government under the above said G.O. within a period of two weeks, thereafter. The Expert Committee shall conclude the proceedings after providing opportunity to the petitioner within a period of six weeks, thereafter.

6. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**10-09-2025**

rlh

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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**M.DHANDAPANI J.**  
**rli**

1. The Secretary To Govt,  
Highways Department,  
Fort St George, Chennai 600 009.

2.The Chief Engineer  
Highways Projects Convener,  
High Level Disputes Resolution  
Committee, Highway Department,  
Chennai 600 25.

3.The Superintending Engineer  
Project Circle, Chennai 600 016.

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