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W.P.No.953 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 20.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.953 of 2025

M/s BNR Infrastructure Projects Pvt. Ltd.,
rep. by its Director Charan Reddy Boya
1018, TVS colony, 42nd street,
Anna Nagar West (Extn.),
Chennai 600 101.

... Petitioner

Vs.

1. The Chief Engineer (City),
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.
2. The Superintending Engineer,
Special Project Circle II,
Tamil Nadu Housing Board,
Anna Nagar, Chennai 600 040.
3. The Executive Engineer,
SAFGV. Division,
Tamil Nadu Housing Board,
Chennai 600 101.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India
seeking for issuance of Writ of Mandamus, directing the respondents to
consider price Escalation Bill No.1, dated 24.04.2021 and price



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Escalation Bill No.2 dated 11.01.2023 by the petitioner to the respondent and further direct the respondents to make payment of price escalation claims for the works executed together with interest @ 18% p.a. thereon within a time frame to be fixed by this Court.

For Petitioner : Mr.V.P.Sengottuvel, Senior Advocate
for Mr.A.Akshay Kumar

For Respondents : Mr.D.Veerasekaran, Standing Counsel
for respondents 1 to 3.

ORDER

The petitioner herein seeks a direction to the respondents to consider the price Escalation Bill No.1, dated 24.04.2021 and price Escalation Bill No.2 dated 11.01.2023 submitted by him to the respondents.

2. It is the case of the petitioner that the second respondent issued a tender notice dated 26.09.2018, inviting tenders for construction of 114 super HIG Multi Storied Residential Flats at survey No.1/1 part, Koyambedu Village, Block-74, SAF Games Village Scheme, Chennai. The petitioner submitted his tender on 30.10.2018 and the same was accepted. The work order was issued to the



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petitioner on 07.02.2019 containing price adjustment clause. The petitioner completed the work, as per the agreement entered into between the petitioner and the respondents, as early as on 01.07.2021. Subsequently, the petitioner submitted price escalation bill on 24.04.2021 claiming a sum of Rs.92,41,596/- for cement, steel, labour and other materials along with workings for the same. The respondents have not honoured the same and subsequently, the petitioner submitted a price escalation bill-II for a sum of Rs.1,98,54,084/-, which covered the amount mentioned in the first bill with interest and price escalation for the works covered under RA Bill Nos.15 to 19. However, the respondents have not considered the same till date and hence, the petitioner has come before this court seeking necessary direction to make payment as per the price escalation bill submitted by the petitioner.

3. Mr.D.Veerasekaran, learned Standing Counsel, who takes notice for the respondents 1 to 3 would submit that the competent authority to consider the bills is Managing Director of the Tamil Nadu Housing Board and the price escalation bills submitted by the



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petitioner will be considered in accordance with law.

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4. In view of the said submission made by the learned Standing Counsel, the third respondent is directed to forward the price escalation bills submitted by the petitioner to the competent authority, namely Managing Director, Housing Board with his recommendation, within a period of two weeks from the date of receipt of copy of this order and the said authority shall consider the same and pass final orders on its own merits, within a period of six weeks from the date of receipt of recommendations from the third respondent. Registry is directed to mark the copy of this order to the Managing Director, Housing Board, Nandanam, Chennai-35.

5. With the above direction, this writ petition is disposed of.
There shall be no order as to costs.

20.01.2025

Index: Yes/No
Internet: Yes/No
mst



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To

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3. The Executive Engineer,
SAFGV. Division,
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Chennai 600 101.

Copy to

The Managing Director,
Housing Board, Nandanam,
Chennai-35.



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S.SOUNTHAR, J.

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