



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 48277 of 2025

AND

WMP NO. 53942 OF 2025

R.G.Associates,
Rep By Its Managing Partner,
P.Ganesh No.260, Mullai Nagar,
A.S. Pettai, Nammakal - 637 001.

Petitioner(s)

Vs

1.Government Of Puducherry
Rep By Its Secretary, Public Works Department,
Puducherry- 605 001.

2.The Chief Engineer,
Public Works Department,
Government Of Puducherry, Central Office,
Puducherry- 605 001.

3.Superintending Engineer,
Circle-01 Public Works Department,
Government Of Puducherry,
Puducherry- 605 001.

4.Executive Engineer / Engineer - In- Charge
Buildings And Roads (North Division) Public
Works Department, Government Of
Puducherry, Puducherry- 605 001.

5.K.Nakiran,
No.12 Ground Floor, Sithankudi Main Road,
Via Jayaram Thirumana Nilayam Puducherry
605 013.

Respondent(s)



PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, calling for the records culminating in Letter No. 710/ PW/ BRN/ DB/ D3/ 3- 106/ 2025- 26 dated 24.11.2025 issued by the 4th respondent and quash the same and consequently direct the respondents to determine the contract No. 62/ PW/ BRN/ TA/ 18- 19 for value to the credit of the petitioner against materials and outstanding unpaid and other entitled payments under the contract within a time frame fixed by this Court.

For Petitioner : Mr.Shrivirudishni V

For Respondent(s): Mr.R.Sreedhar,
Addl. Govt. Pleader
(Puducherry)

ORDER

This writ petition has been filed by the petitioner challenging the Letter No.710/ PW/ BRN/ DB/ D3/ 3- 106/ 2025- 26 dated 24.11.2025 issued by the 4th respondent.

2.Learned counsel for the petitioner would submit that the petitioner firm was awarded the contract for the construction of the cultural complex comprising the main building and Open-Air Theatre at New Tagore Cultural Complex, Bharathiyar Palkalaikoodam, Ariyankuppam, Puducherry vide



Agreement No.62/PW/BRN/TA/18-19 dated 05.02.2019. As per the agreement, the project work has to be completed within a period of 12 months i.e before 04.02.2020. The petitioner completed approximately 67% of the work as per the Measurement Book (MB) entries. Due to the various delay on the part of the respondents including discrepancies in the original drawing plan and failure to provide revised foundation drawings until 03.03.2021, the completion of the work was delayed. Subsequently, the show cause notice dated 25.08.2021 was issued to the petitioner firm alleging abandonment from 11.05.2021, to which the petitioner firm sent their replies on 01.09.2021 and 07.09.2021. However, without considering the same, on 08.09.2021, the 4th respondent issued the Termination order dated 21.09.2021 to the petitioner firm.

3.He would further submit that the said Termination order dated 21.09.2021 was challenged before this Court and as per the direction of this Court, an Arbitrator was appointed to adjudicate the disputes regarding the termination of the petitioner's contract. While the arbitration proceedings is pending, the 4th respondent called for fresh tender to complete the balance work of the construction project. The petitioner's plants and machineries are still lying in the respondent premises. Before resolving the issue of termination, the 4th respondent has awarded the contract to the new contractor. If the new contractor is allowed for construction work, the materials of the petitioner may get mingled with new contractor's material and the same cannot be identified.



Therefore, the petitioner made a representation in this regard to the 4th respondent. In response, the 4th respondent sent a reply Letter dated 24.11.2025, which essentially contradicts itself. The impugned reply relies on the termination of the contract as if it were final yet simultaneously admits the termination is under arbitral challenge. Hence, the present writ petition has been filed.

4. When the matter came up for hearing on earlier occasion on 15.12.2025, this Court raised a query to the learned Additional Government Pleader appearing for the respondents regarding the petitioner's plants and machineries lying in the respondents premises and directed to get instruction. Today, when the matter is taken up for hearing, learned Additional Government Pleader produced the communication of the respondents Department to the petitioner and submitted that the petitioner firm can remove all their materials and tools left behind the respondents premises and should be jointly noted in the site inventory duly signed by the Departmental Officers concerned within one week from the date of issuance such communication.

5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on records.



6. In view of the above submissions made by either parties, this Court is of the view that as regards the contention of the petitioner regarding the materials and tools lying in the respondents premises, the respondents Department has directed the petitioner to remove their materials and tools after making proper site inventory duly signed by the Departmental Officers concerned. With regard to the plea of the petitioner regarding loss and damages incurred by them, it is relevant to note that already arbitration proceedings has been initiated and Mr. Sivaprakasam, Chartered Engineer has been appointed as an Arbitrator and this fact has not been disputed by either parties. Such being the matter, the claim of loss and damages are the subject matter of the arbitration proceedings and the petitioner has to canvass their claim before the Arbitrator and not before this Court.

7. With the above observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17-12-2025

rst

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes



To

WEB COPY

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