



W.P.(MD).No.2440 & 5718 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)Nos.2440 & 5718 of 2025
and
W.M.P.(MD)Nos.1717, 4176 & 4177 of 2025

M.s.V.Best Engineers,
Represented by its Managing Partner,
No.2B, New Vellala Street,
Pandamangalam,
Woraiyur,
Trichy – 620 003.

... Petitioner in both Wps

-vs-

1. The Superintending Engineer (H),
CMDP Circle,
Saidapet,
Chennai – 600 015.

2. The Divisional Engineer(H),
CMDP Division - 1,
Alandur,
Chennai – 600 016.

... Respondents 1&2 in both Wps

3. The Assistant Divisional Engineer (H),
CMDP Division - 1,
Alandur,
Chennai – 600 016.

...R3 in WP(MD)No.5718/2025



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PRAYER in WP(MD)No.2440 of 2025: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in Proc.No.83/2023/NIS EB Injambakkam 1/DO dated 22.01.2025 and the consequential impugned order passed by the 2nd respondent vide his proceedings in Memo No.01/2025/NIS/INJ EB-1/JDO dated 22.01.2025 and to quash the same as illegal.

PRAYER in WP(MD)No.5718 of 2025: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned tender notice issued by the 1st respondent vide his Tender Notice No. 13/2024-25/CMDP/DO dated 18.02.2025 and quash the same as illegal.

Appearance in both WPs:-

For Petitioner : Ms.Jesima Yasmin

For Respondents : Mr.Veera Kathiravan

Additional Advocate General

Assisted by

Mr.K.S.Selvaganesan

Additional Government Pleader



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COMMON ORDER

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These writ petitions have been filed challenging the impugned orders dated 22.01.2025 passed by the first and second respondents and the order dated 18.02.2025 passed by the first respondent.

2. The case of the petitioner is that the petitioner was the successful bidder in the tender called for by the first respondent for shifting of EB poles. As per the contract, the work had to be completed within a period of nine months. However, the site was handed over to the petitioner only on 21.06.2024 and the work was started from that day itself and the timelimit for completion of work has to be reckoned therefrom. The delay has occurred in the petitioner's contract work, since no notice has been issued by the respondents and no site has been handed over to the petitioner. Even though the petitioner paid for second inspection, till date the inspection has not been done and the bill was also not cleared. The respondents have been issuing notice after notice for the delayed work. Finally, the first and second respondents passed the impugned orders dated 22.01.2025 for absolute determination of the petitioner's contract and consequently, the first respondent issued the impugned order dated 18.02.2025 inviting fresh tender.



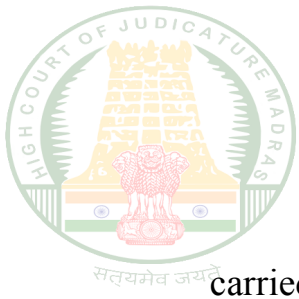
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3. The further case of the petitioner is that the petitioner was not allowed to work from 22.01.2025. The petitioner invested huge amount for the contract work and absolute determination of the petitioner's contract in the midway is unreasonable and unsustainable and hence, challenging the impugned orders, these writ petitions came to be filed.

4. The learned Additional Advocate General appearing for the respondents, by relying upon the counter affidavit filed by the second respondent, submits that the tender was called for the work of shifting the utilities like EB poles, EB transformers, as it causes hindrance to the road widening work, which was being done by the another successful contractor and the petitioner was successful bidder in the said tender. However, the petitioner delayed the work and had not completed the work till date.

5. The learned Additional Advocate General appearing for the respondents, further submits that there is no question of handing over the project site or issuance of notice. The department is facing a lot of public and media criticisms, since the petitioner's contract work is for another work of widening the main road, which is a very important state highways road, where the traffic flow is very high throughout the year. The road widening work are



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carried out, only after completion of the utility shifting works. The delay in the petitioner's contract is making delay in the road widening contract work, which causes huge financial loss to the government / public exchequer. Even though many reminders have been given to the petitioner to commence the work and extension of time has also been given, the petitioner has not even turned to initiate the work. Even after issuance of show cause notice, there was no response from the petitioner. The road widening work is being regularly monitored by the Ministers and the delay caused by the petitioner affects the process of road widening work and hence, he prayed for dismissal of these writ petitions.

6. The learned Additional Advocate General appearing for the respondents, rely upon the judgments of the Hon'ble Supreme Court in ***Tata Motors Ltd., vs. Brihan Mumbai Electric Supply [(2023) LiveLaw (SC) 567]***, ***N.G.Projects Ltd., vs. Vinod Kumar Jain [(2022) 6 SCC 127]*** and ***UFLEX Ltd., vs. Government of Tamil Nadu, (Civil Appeal Nso.4862-63 of 2021)***.

7. Heard the learned counsel on either side and perused the materials placed before this Court.



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8. On perusal of the records, it is seen that the petitioner has not completed the contract work, which was awarded to him, within the stipulated period. The delay in the petitioner's contract work is making delay for road widening work, which is a very important State Highways Road, where the traffic flow is very high throughout the year. The delay of the work caused irreparable loss to the Government. Even though many reminders and notices have been given to the petitioner to commence the work and extension of time was also given, the petitioner has not completed the work till date. The petitioner ought to have taken the importance and urgency of the work.

9. In view of the above, there is no infirmity in the orders passed by the first and second respondents and this writ petitions are liable to be dismissed. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.03.2025

NCC : Yes/No
Index : Yes / No
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TO:-

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VIVEK KUMAR SINGH, J.

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Common Order made in
W.P.(MD)No.2440 & 5718 of 2025

Dated:
11.03.2025