



W.P(MD)Nos.12136 and 12200 2024

W.P(MD)Nos.12136 and 12200 of 2024

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D.BHARATHA CHAKRAVARTHY, J.

In this case, the earlier order passed by this Court on 09.04.2026 shall be read form part and parcel of this order.

2.The learned Government Standing Counsel as well as the Deputy Solicitor General of India appearing for the respondents would contend that since there is a arbitration clause in the agreement, the question involved being interpretation of the agreement clause, the matter should be relegated. This writ petition should not be entertained and the petitioner has a remedy of invoking arbitration. In view of the contention of the petitioner that by employing the very same clause 14.1.1, in respect of various other contracts, in the estimation of others have been given only 7.5% and when the estimation is only 3.5% is allowed for the petitioner, this is not a case of mere reading or interpreting the clause. When the highways contracts run to, huge amount of money the Court has to decide whether the interpretation 3.5% or 7.5% is correct and if erroneously instead of 3.5%, 7.5% is allowed in respect of many other



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contractors, huge quantity of public money has now gone waste and appropriate steps to be taken. Therefore, I am of the view that this is the fittest case to be entertained under Article 226 of Constitution of India.

3.In view thereof, the learned Deputy Solicitor General of India is directed to place on record the affidavit containing particulars as to whether the same clause as contained in the instant writ petition that is 14.1.1 was used in respect of the other contractors also and in respect of the other contractors, whether it was interpreted as 7.5%, or whether for different contractors different rates are given. If it is interpreted as 3.5% and 7.5% depending upon the difference in work or under what circumstances the difference arises. The Court will decide the question of relegating the petitioner only after getting the information from the respondents. The 4th respondent shall file an affidavit in that regard.

4.Call the matter on 25.06.2026 under the same caption..

11.06.2026

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