

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.29242 of 2014

M/s.Dinesh Babu Transport,
19, III Floor,
Kumbhat Commercial Complex,
699-700, Periyar EVR High Road,
Aminjikarai,
Chennai-600 029
Rep. by its Managing Partner
V.K.Sukumaran Petitioner

- Vs -

1.The Managing Director
Tamil Nadu Civil Supplies Corporation
Head Office
No.12, Thambusamy Road,
Kilpauk,
Chennai-600 010.

2.The General Manager
Marketing
Tamil Nadu Civil Supplies Corporation
Head Office
No.12, Thambusamy Road,
Kilpauk,
Chennai-600 010.

3.The Senior Regional Manager
Tamil Nadu Civil Supplies Corporation
Chennai North Region,
Gopalapuram,
Chennai- 600 086.

4. Saravana Transport
By its Proprietor Prabhakaran
No.400, 6th Block,
M.M.D.A.
Maduravoyal,
Chennai-600 095.

5. SR Transport
By its Proprietor S.Soundararajan
Room No.9,
Salt Cotaurs Goods Shed,
Choolai,
Chennai- 600 112.
6. ACLS Transport
By its Proprietor A.Chandrasekaran
B.O.New No.94,
Coral Merchant Street,
Chennai-600 001.
7. ASBT Transport
Care of Tamil Nadu Civil
Supplies Corporation
Palani Road,
Dindugal.
8. Jayasakthi Transport
Care of Tamil Nadu Civil
Supplies Corporation
Dharmapuri
9. Veda Sankara Narayanan
No.568, Kariapatti,
Tiruparakundram,
Madurai-5. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records pertaining to the issue of the order in Proceedings Bearing R.C.No.M4/6880/2013 dated 25.09.2014 duly issued by the Senior Regional Manager, Tamil Nadu Civil Supplies Corporation, Chennai North Region, Goapalapuram, Chennai-600 086., the 3rd respondent herein and quash the same and direct the respondents to allot all the centres namely 1. Chennai North External Movement other than FCI Movement, 2. Chennai North Non-FCI Movement Railhead, 3. Tiruvallur Non-FCI Movement Railhead, 4. Madurai Non-FCI Movement Railhead, 5. Dharmapuri Non-FCI Movement Railhead and 6. Dindugal FCI Movement as the petitioner firm is successful and lowest bid for the current year 2014-2015.

For Petitioner	: Mr.M.Venkatachalapathy Senior counsel For Mr.D.Ashok Kumar
For Respondents	: Mr.A.Jenasenan (R4 and R6) Mr.C.Munusamy (R1 to R3) No appearance (R5 and R7 to 9)

O R D E R

Heard the learned counsel for the petitioner, learned counsel appearing for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 and 6.

2. This is a case of blacklisting of the petitioner. The petitioner who was a successful tenderer was blacklisted, by an order dated 25.09.2014. Challenging the order passed, the present writ petition has been filed.

3. This is the second round of litigation as the earlier order was passed by not affording sufficient time and on reiterating the same stand, the impugned order came to be passed.

4. The learned Senior counsel appearing for the petitioner has submitted that there is an arbitration clause available and the petitioner can also approach the Appellate Authority and without going into merits of the case an opportunity may be given to seek remedy accordingly.

4. Considering the submissions made by the learned senior counsel for the petitioner, this Writ Petition is disposed of by giving liberty to the petitioner either to invoke the arbitration clause or to approach the appellate authority as the case may be, within a period of four weeks. As and when the petitioner does so, the authority concerned shall decide the matter on merits without rejecting on the ground of limitation. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

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To

1.The Managing Director
Tamil Nadu Civil Supplies Corporation
Head Office
No.12, Thambusamy Road,
Kilpauk,
Chennai-600 010.

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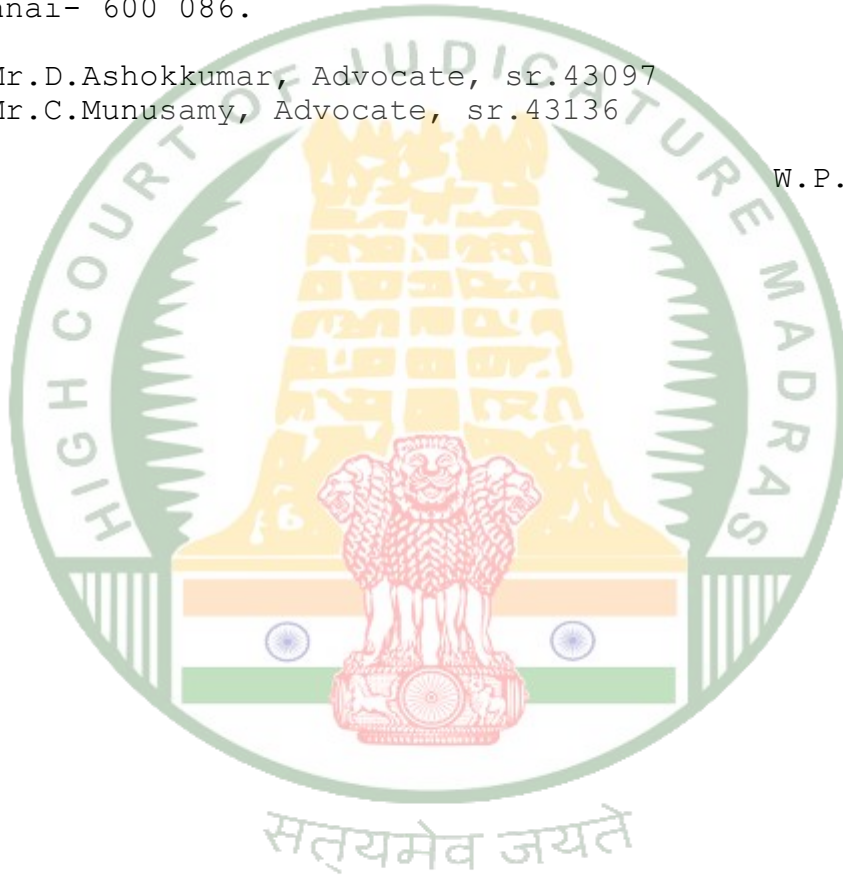
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+1 cc to Mr.D.Ashokkumar, Advocate, sr.43097
+1 cc to Mr.C.Munusamy, Advocate, sr.43136

W.P.No.29242 of 2014

pvr(co)
kra(31/08)



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