

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

–
WRIT PETITION No.22498 of 2015

ORDER:

Heard the learned Counsel for the petitioners and learned Counsel for the respondents.

This writ petition is filed challenging the action of the respondent Corporation in not paying the interest as per commercial rate having refunded the credit balance against supply of 'A' & 'B' grade barytes as per the respective agreements with petitioner mills consequent on failure to supply the barytes as illegal, and consequently direct the respondent Corporation to pay the interest as per commercial rate for the amounts paid by the petitioner mills from the date of their respective payments till the date of refund that is 02.04.2015.

Learned Counsel on either side conceded that the Rehabilitants' Pulverizing Mill owners, Welfare Association, APMDC Danger Zone earlier filed W.P.No.22163 of 2014 with identical relief and the same was disposed of on 11.12.2014 and against the said order, the petitioner in W.P.No.22163 of 2014 filed W.A.No.1661 of 2014 and the same was also disposed of on 30.12.2014 and the operative portion of the said judgment reads as under :-

“After hearing the learned counsel for the parties we think that the following order will sub-serve the interest of justice for which both the learned counsel fairly agreed to.

The 2nd respondent shall take a decision as to whether they will supply the barytes in terms of the agreement to the writ petitioner – appellant or not within a period of one month from the date of receipt of a copy of this order and such decision must be communicated to the appellant within seven days from the date of taking the decision. In the event, decision is taken to supply the barytes to the appellant the same must be done forthwith. In the event, if they decided not to supply barytes then the respondent Corporation shall refund the amount paid by the writ petitioner – appellant. However, the bank accounts of the respondent Corporation shall be de-frozen and the amount paid by the writ petitioner association shall be refunded with interest as per bank rate within one month from the date of de-

frozing of the accounts.”

Learned counsel on either side fairly conceded that the petitioners in the present writ petition are not members of the said association.

Learned Counsel on either side fairly conceded that the issue involved in this writ petition is squarely covered by the Division Bench Judgment of this Court in W.A.No.1661 of 2014.

Learned Counsel appearing for the petitioners submits that the principal amount was already refunded and interest is yet to be paid.

On the other hand, learned Counsel for the respondents submits that the interest was not paid to any member of the association, who were covered by W.A.No.1661 of 2014 and as and when the accounts of the respondents are de-frozen, they would take necessary steps in that regard.

Having regard to the facts and circumstances of the case, this Writ Petition is disposed of in terms of the Division Bench Judgment of this Court in W.A.No.1661 of 2015 dated 30.12.2014 making it applicable to the petitioners in the present writ petition also. The other reliefs sought for in the writ petition are not pressed by the learned Counsel appearing for the petitioners. The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

(A.RAMALINGESWARA RAO, J)

21.07.2015
vs