

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.8.2016
CORAM
THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
W.A.No.1600 of 2015
and
M.P.Nos.1 and 2 of 2015

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.

Appellant/Petitioner

Versus

- 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
Tamilnadu Civil Supplies Corporation
Chennai North Region
Goalapuram 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 Tamilnadu Civil Supplies Corporation
Palani Road Dindugal
- 8 Jayasakthi Transport
Care of Tamilnadu Civil Supplies Corporation
Dharmapuri
- 9 Veda Sankara Narayanan
No.568 Kariapatti
Tiruparakundram Madurai-5 Respondents/Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 17.8.2015 passed in W.P.No.29242 of 2014 on the file of this court.

WP.29242 of 2014

Writ Petition filed under Article 226 at 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 25.9.2014 duly issued by the Senior Regional Manager Tamilnadu Civil Supplies Corporation, Chennai North Region Gopalapuram 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 the lowest bid for the current year 2014-15.

For appellant : Mr.N.C.Ramesh, Senior Counsel for
Mr.D.Ashok Kumar

For R1 to R3 : Mr.C.Munusamy

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal is filed, challenging the order dated 17.8.2015 passed in W.P.No.29242 of 2014, by the writ petitioner, as against the disposal of the writ petition giving liberty to the petitioner either to invoke the arbitration clause or to approach the appellate authority.

3. The appellant, being a Transporter, had filed the writ petition, against the Tamil Nadu Civil Supplies Corporation, challenging the order blacklisting them though they were the successful tenderer in the tender called for handling and transport work.

4. The grievance of the appellant is that while disposing of the writ petition, a liberty was given to the appellant either to invoke the arbitration clause or to approach the appellate authority, whereas, it appears that there is no appeal provision in the tender conditions as already observed in Writ Appeal No.977 of 2014 and hence, the observation needs to be clarified.

5. In view of the above, the writ appeal is disposed granting liberty to the appellant to approach the learned Single Judge seeking for any clarification. No costs. The connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ssk.

+1 CC to Mr. C. Munusamy, Advocate Sr.No.47234

W.A.No.1600 2015

NRJK (CO)
MD : 22/09/2016

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