

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT APPEAL No.448 OF 2016

DATED: 10.06.2016

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Between:

M/s. Toshiba Transmission and Distribution
Systems (India) Pvt. Ltd

... Appellant

and

R. Mohan Reddy and others

... Respondents

**THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APPEAL No.448 OF 2016

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PC: (per the Hon'ble The Acting Chief Justice Dilip B. Bhosale)

This appeal is directed against order, dated 16.02.2016 passed in WPMP.No.6290 of 2016 in Writ Petition No.4916 of 2016 whereby learned Single Judge granted interim direction as prayed for.

We have heard learned counsel for the parties and perused the materials placed on record. Learned counsel for the parties have agreed for the following order:

“Respondent No.1 (the writ petitioner) shall deposit Rs.1,51,000/- with respondent No.3. Respondent No.1 undertakes to pay the transportation charges of transformer from its current location to Central Power Research Institute, Bhopal, Madhya Pradesh (for short 'CPRI'). His undertaking is accepted. It is needless to mention that respondent No.1 shall deposit the transportation charges either with respondent No.3 or with the transporter directly. CPRI, on receipt of the

transformer, shall first verify whether it was put to use/installed. If their finding is in the negative, they may proceed to ascertain whether the transformer was tampered. If the finding of this test is also in the negative, it may then proceed to conduct test for which it is sent to the Laboratory and send its report to the Department concerned. If CPRI find that it was either put to use/installed or tampered, they shall not conduct any further test and report it to the concerned respondent, in which case, it would be open for respondent No.3 to send any other transformer, which is not either put to use/installed at the cost of appellant. If the transformer was not put to use/installed or tampered, it would be open to the appellant to claim the amount of Rs.1,51,000/- deposited by respondent No.1 with respondent No.3. It is needless to mention that CPRI, while conducting the tests, shall follow the due procedure contemplated in the Purchase Order, dated 03.10.2015. It is needless to mention that if it is ultimately found that respondent No.3 sent the installed transformer and/or it was tampered, respondent No.1 will be entitled for refund of the monies deposited by him for conducting the test.

It is needless to mention that respondent No.1 shall add appellant as a party respondent in the Writ Petition before the Writ Petition is heard for final disposal.”

Writ Appeal is accordingly disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

10th JUNE, 2016.

P. NAVEEN RAO, J

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