

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.26630 of 2011
& M.P.No.1 of 2011

M/s.Arcot Textile Mills Limited,
Rep. by its Manager,
Mr.N.A.Thennappan

...Petitioner

Versus

- 1.The Principal District Judge,
Villupuram District, Villupuram.
2. The Deputy Registrar of
Co-operative Societies,
Thirukovilur.
3. The Special Officer,
Arcot Textile Mill Employees
Co-operative Societies
and Credit Society Ltd.,
Kallakurichi Taluk.

... Respondents

Prayers: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari calling for the records on the respondents relating to the order dated 29.01.2009 in C.M.A.No.6 of 2008 on the file of the first respondent and the award dated 30.10.2003 in Case No.6209/2002-2003 on the file of the second respondent and quash the same.

For Petitioner : Mr.Bharatha Chakravarthy
for M/s.Sai Bharath and Ilan
For R1 : Court
For R2 : Mr.V.Selvaraj, AGP
For R3 : Mr.L.P.Shanmugasundaram, Spl.G.P.

O R D E R

This petition has been filed for calling of the records on the respondents relating to the order dated 29.01.2009 in C.M.A.No.6 of 2008 on the file of the first respondent and the award dated 30.10.2003 in Case No.6209/2002-2003 on the file of the second respondent and quash the same.

2. According to the petitioner, the petitioner-mill faced various problems, due to overall sluggishness in the industry. The petitioner had entered into various settlements with the workmen so as to reduce the labour cost on the management and it has entered into such workable settlements in the interest of both the workmen and the management. The 3rd respondent without agreeing for the same, approached the 2nd respondent authority, making false averments. The second respondent has passed an ex-parte award dated 30.10.2003, directing the petitioner to pay a sum of Rs.30,67,227/- together with further interest at the rate of 18% per annum till the date of realisation. Aggrieved by the interest portion of the award, the petitioner has filed an appeal before the first respondent-Tribunal. The first respondent has also confirmed the award passed by the the second respondent. Aggrieved by the said order, the petitioner has filed the present petition before this Court.

3. Pending the proceedings, the petitioner has deposited the entire sum claimed by the 3rd respondent i.e., Rs.1,21,59,346.35/-, as per the direction of the Division Bench of this Court in Writ Appeal No.1107 of 2007, dated 10.10.2007 and thereafter the attachment was raised. Now, the present issue is only with regard to the payment of interest payable by the writ petitioner.

4. In a similar case, the petitioner has filed W.P.No.26629 of 2011, challenging the award passed by the second respondent herein, imposing interest at the rate of 22%, which was confirmed by the Tribunal. Therefore, there is no uniformity on the rate of interest imposed by the first respondent as well as the second respondent on similar set of facts of the case.

5. At this stage, the learned counsel appearing for the petitioner would submit that the respondents 1 & 2 have taken different yardstick for fixing rates of interest on similar facts of the case, which is not justified and therefore, for the interest of justice, the matter may be remanded back to the Tribunal to decide the issue uniformly by the Tribunal.

6. The learned Special Government Pleader appearing for the 3rd respondent has admitted that different rates of interest has been fixed on similar facts of the case. Therefore, to decide the rate of interest uniformly, the same shall be remanded back to the first respondent and the same shall be considered in accordance with law.

7. In view of the consent of both parties, the impugned order passed by the Tribunal is set aside insofar as the interest portion is concerned and remanded back to the first respondent Tribunal to consider the claim of the petitioner afresh, insofar as the rate of interest is concerned, on merits and in accordance with law as expeditiously as

possible, preferably within a period of three months from the date of receipt of a copy of this order.

8. With the above observation and direction the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pvs

To

- 1.The Principal District Judge,
Villupuram District, Villupuram.
2. The Deputy Registrar of Co-operative Societies,
Thirukovilur.
3. The Special Officer,
Arcot Textile Mill Employees Co-operative Thrift
and Credit Society Ltd.,
Kallakurichi Taluk.

+ 1 cc to MR. L.P.Shanmugasundaram, Advocate Sr.56779
+ 1 cc to the Government Pleader Sr.56898

W.P.No.26630 of 2011
& M.P.No.1 of 2011

GJII(CO)
EU 5.09.17

सत्यमेव जयते

WEB COPY