



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P. (MD) No.7690 of 2017andW.M.P. (MD) Nos.5987 & 9956 of 2017

High Energy Batteries (India) Ltd.,
Rep. by its
Managing Director

... Petitioner

Vs.

1. Micro and Small Enterprises Facilitation Council
Tiruchirapalli Region
Rep. by its Zonal Manager,
District Industries Centre,
Tiruchirapalli - 620 001.

2. M/s. Oxford Engineering Centre
Rep. by its Proprietor
K. Johnson

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the impugned order dated 25.02.2017 Rc No 2928/A4/2016 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.V.Perumal
for M/s.Narmadha Sampath

For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate for R.1

Ms.J.Maria Roseline, for R.2

ORDER

This writ petition has been filed by the petitioner, seeking a Writ of Certiorari, to quash the impugned order of the first respondent in Rc.No.2928/A4/2016 dated 25.02.2017, by which, the petitioner was directed to pay the entire Principal amount of Rs.29,00,000/- along with compounded interest from 26.06.2015, i.e., 90 days from the date of last invoice raised by the second respondent.



2. According to the petitioner, the second respondent firm had supplied Engineering goods and done job works to the petitioner company and raised bills for Rs.30,86,640/-, out of which Rs.1,77,142/- was settled by the petitioner and the balance amount of Rs.29,09,498/- is said to be pending. It is the case of the petitioner that the balance amount has been withheld towards the payment already made by them against the bogus invoices raised by the second respondent and therefore, they denied the claim of the second respondent. Thereafter, the dispute was referred to the first respondent and after some rounds of litigation, the first respondent came to the conclusion that the invoices produced by the second respondent are all genuine and passed the impugned order dated 25.02.2017. Aggrieved by the same, the petitioner is before this Court.

3. In the earlier rounds of litigation, by order dated 23.08.2017, this Court extended the interim stay, already granted on 26.04.2017, until further orders, on a specific condition that the petitioner shall deposit a sum of Rs.35,00,000/- in the name of the first respondent in an interest bearing Fixed Deposit with any one of the Nationalized Bank.

4. When the matter is taken up for hearing today, it is reported that the petitioner has complied with the conditions imposed by this Court on 23.08.2017, but the genuineness of the bills/accounts of the second respondent was disputed.

5. Heard the learned Counsel appearing on either side and perused the materials placed on record.

6. As the genuineness of the vouchers produced and the accounts are disputed by the petitioner, this Court is of the view that it is appropriate to remand back the matter, for verification of accounts. Accordingly, the matter is remanded back to the first respondent, who in turn is directed to re-do the entire exercise, with regard to the verification of accounts alone and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the second respondent, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (ADII)



To

The Zonal Manager,
Micro and Small Enterprises Facilitation Council
Tiruchirapalli Region
District Industries Centre,
Tiruchirapalli - 620 001.

+One cc to Mr.A.Srinivasan, Advocate, SR.No.80216

+One cc to M/s.J.Maria Roseline, Advocate, SR.No.80306

+One cc to The Special Government Pleader, SR.No.81047

gk

RL/5C/3P/SKN/RSK/SAR1/9/10/2017

W.P. (MD) No.7690 of 2017

21/09/2017