

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.15005 of 2015
and
W.M.P.Nos.1,2 and 3 of 2015

M/s.P.C.S.Transports,
represented by its partner/power agent,
P.Sundararajan,
No.1-A, Mayampillaiyar Kovil Road,
Salem Road, Namakkal - 637 001. Petitioner

Vs.

The Chief Manager Logistics (Retail) South,
Bharat Petroleum Corporation Limited,
No.1, Ranganathan Gardens,
11th Main Road, Anna Nagar,
Chennai-600 040.Respondent

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order dated 04.05.2015 passed by the respondent in his Ref.No.SR.DGM.TPT.4 and quash the same and consequently direct the respondent to refund the realized amount of Rs.12,30,000/- to the petitioner.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.O.R.Santhana Krishnan

O R D E R

The relief sought for in this writ petition is to call for the records in relation to the orders passed by the respondent in proceedings dated 04.05.2015 and quash the same and to direct the respondent to refund the realized amount of Rs.12,30,000/- to the petitioner.

2. The writ petitioner was awarded with a contract to the petitioner's firm for transporting diesel from Karur Terminal to various other places through out the State of Tamilnadu, as per

the work order No.SR.DGM.T4 (PCVO) dated 03.04.2014. The writ petitioner was plying 29 vehicles and he was performing the terms and conditions of the contract without committing any default. However, one oil tanker lorry bearing No.TN-28-P-4092 containing 20,000 litres of diesel had not reported to the terminal fixed by the respondent. On account of these facts, the respondent had initiated action for the recovery of the fuel cost and accordingly, the impugned order has been passed. Now, it is brought to the notice of this Court that the contract period granted to the writ petitioner has expired on 09.01.2016 and the extended period of one year also expired on 10.01.2017. Thus, no adjudication needs to be entertained in respect of the quashing of the impugned order as the period of contract itself has been lapsed.

3. The learned counsel for the petitioner states that the Criminal case filed in respect of the missing lorry, is pending. In the event of getting an order from the Criminal Court, the petitioner may be given liberty to approach the respondent for appropriate reliefs. It is needless to state that, if at all, the petitioner has got any grievance or otherwise, after the disposal of the case pending before the Court, it is left open to him to approach the competent authorities of the respondent and the respondent is at liberty to take decision, on merits and in accordance with law.

With these observations, the writ petition stands closed. Consequently, connected miscellaneous petitions are also closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

+lcc to Mr.L.Chandra Kumar, Advocate, S.R.No.40592

+lcc to Mr.O.R.Santhana Krishnan, Advocate, S.R.No.40656

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GSP(13/07/2018)