

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.01.2018
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.No.1238 of 2018
and
WMP.No.1548 of 2018

S.Anand
S/o.Shanmugavel

... Petitioner

versus

1. The Superintendent Engineer
General Construction Circle,
182, Dr.Subburayan Road,
Tatabad, Coimbatore - 641 012.

2. The Superintendent Engineer
Tamil Nadu Generation and Distribution Corporation Ltd.,
Coimbatore Electricity Circle / Metro
Tatabad, Coimbatore - 641 012. ... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 2nd respondent in K.No.Me.Po./Ko.Mi.Pa.Va/Ma/Kovai/Vu.Se.Po/Serial/Ko.Openthakarak Pathivu, A.No.782 dated 22.11.2017 and to quash the same and consequently, directing the respondents to grant re-registration of petitioner as Class-I Contractor of TANGEDCO for further period based on the application submitted by the petitioner dated 03.12.2016.

For Petitioner : Mr.G.Sankaran
For Respondents: Mr.S.K.Rameshwar
standing counsel

सत्यमेव जयते
O R D E R

Mr.S.K.Rameshwari, learned standing counsel takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the order of the second respondent dated 22.11.2017, rejecting the petitioner's request for renewal of his registration as Class-I Contractor, only on the reason that the petitioner has not given any explanation to the notice issued on 10.11.2017.

3. Mr.G.Sankaran, learned counsel for the petitioner submitted that the very notice dated 10.11.2017 was served on the petitioner, only on 14.11.2017 and the impugned order was passed, without even waiting for the petitioner to give his explanation. Therefore, he submitted that the second respondent has chosen to reject the request of the petitioner for renewal in a hurried manner, without giving an adequate opportunity of hearing to the petitioner. However, he fairly submitted that the reason for not submitting the explanation within the time was due to the pendency of a writ petition before this Court in respect of another tender matter.

4. The learned standing counsel appearing for the respondents submitted that the second respondent is left with no other option, except to pass the impugned order, as the petitioner was not submitted his explanation to the notice dated 10.11.2017.

5. Heard both sides and perused the materials placed before this Court.

6. It is not in dispute that the impugned order was passed only on the reason that the petitioner has not given his explanation to the notice dated 10.11.2017. Admittedly, the said notice granted 7 days time for the petitioner to give his explanation, from the date of receipt of such notice. It is not in dispute that the petitioner received the said notice on 14.11.2017 and in such event the second respondent even though passed the order on the very next day of expiry of the 7th day, since the said order does not indicate any other reason for not granting extension, I am of the view that the petitioner should be given one more opportunity to give his explanation, so that the matter can be considered and decided on merits by the second respondent. Accordingly, without expressing any view on the merits of the claim made by the petitioner on the request of renewal, this writ petition is allowed and the impugned order is set aside and the matter is remitted back to the second respondent for considering the claim of the petitioner for renewal afresh under the following terms:-

(a) The petitioner is given 7 days time to send his explanation to the notice dated 10.11.2017, from the date of receipt of a copy of this order.

(b) On receipt of such explanation, the second respondent will consider the same and pass orders on merits and in accordance with law, after giving due opportunity of hearing to the petitioner as well.

(c) Such exercise shall be done by the second respondent, within a period of two weeks, thereafter.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent Engineer
General Construction Circle,
182, Dr.Subburayan Road,
Tatabad, Coimbatore - 641 012.
2. The Superintendent Engineer
Tamil Nadu Generation and Distribution Corporation Ltd.,
Coimbatore Electricity Circle / Metro
Tatabad, Coimbatore - 641 012.

+1 cc to Mr.G.Sankaran Advocate sr 4777
+1 cc to Mr.S.K.Rameshuwar Advocate sr 4641

W.P.No.1238 of 2018

nmi(co)
aa23/01/2018

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