

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.34177 of 2007

and

MP No.1 of 2007

V. Barna Bass

Petitioner

Vs

1. The Chairman,
Tamil Nadu Industrial Investment
Corporation Ltd.,
473, Anna Salai,
Nandanam,
Chennai - 600 035.

2. The Tamil Nadu Industrial
Investment Corporation Ltd.,
Thiruvallur Branch,
Rep. By its Branch Manager,
86, C & D II Main Road,
Ambattur Industrial Estate,
Chennai.

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the concerned records relating to the Letter No.TIIC : TVLR:2005-06, dated 28.02.2006 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to refund Rs.45,25,190/- to the petitioner.

For petitioner : Mr.M.Gnanasekar

For respondents : Mr.A.Pannerselvam

ORDER

This Writ Petition has been filed to quash the Letter passed by the 2nd respondent in No.TIIC : TVLR:2005-06, dated 28.02.2006 and for a consequential direction to the 2nd respondent to refund Rs.45,25,190/- to the petitioner.

2. It is represented by the learned counsel for the respondents that the interim order granted by this Court in favour of the petitioner was vacated and the petitioner was permitted to participate in the fresh auction to be conducted by the respondents. As directed by this Court, fresh auction was also conducted, however, despite receipt of the notice, the petitioner failed to participate in the said auction.

3. The learned counsel for the respondents further submitted that there were no bidders in the auction conducted by the respondents on 28.11.2019. Today, when the matter came up for hearing, the learned counsel for the petitioner submitted on instructions that the petitioner is ready and willing to participate in any fresh auction to be conducted by the respondents.

4. The learned counsel for the respondents sought two months time to conduct the a fresh auction.

5. Since the petitioner has agreed to participate in the fresh auction, the respondents are directed to conduct fresh auction within a period of two months from the date of receipt of a copy of this order after giving sufficient public notice including a personal notice to the petitioner informing him about the date of the auction.

6. The EMD and the part of the sale consideration amounting to a sum of Rs.45,25,190/- paid by the petitioner in the earlier inconclusive auction which is the subject matter of challenge in this writ petition can be adjusted by the respondents out of the total sale consideration, if the petitioner is found to be the successful bidder in the fresh auction.

7. In case, the petitioner is a successful bidder in the fresh auction, the respondents shall not forfeit, the EMD as per the earlier impugned order, dated 28.02.2006, which is the subject matter of challenge in the instant writ petition.

8. In case, the petitioner is unsuccessful, it is open to the petitioner to challenge any forfeiture of the EMD or any other amount by way of a separate writ petition.

9. With the aforesaid directions, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Industrial Investment
Corporation Ltd.,
473, Anna Salai,
Nandanam,
Chennai - 600 035.

2. The Branch Manager,
The Tamil Nadu Industrial
Investment Corporation Ltd.,
Thiruvallur Branch,
86, C & D II Main Road,
Ambattur Industrial Estate,
Chennai.

+1cc to Mr.A.Pannerselvam, Advocate sr.102433
+1cc to Mr.M.Gnanasekar, Advocate sr.102432

W.P. No.34177 of 2007

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