

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Appeal No.1499 of 2019

M/s.The Indian Hume Pipe Co., Ltd
rep.by its Deputy General Manager
Mr.S.Arunachalam
No.8, First Floor, Gopalapuram
Chennai - 600 086. ... Appellant

-Vs-

- 1.The Government of Tamil Nadu
rep.by its Additional Chief Secretary
Finance (Salaries) Department
Fort St.George, Chennai.
- 2.The Managing Director
TWAD Board, Chennai - 600 005.
- 3.The Joint Managing Director
TWAD Board, Chennai 600 009.
- 4.The Chief Engineer
TWAD Board, Western Region
Coimbatore.
- 5.The Executive Engineer
TWAD Board, RWS Division
Tiruppur. ... Respondents

Prayer : Appeal under Clause 15 of the Letters Patent against
the order dated 28.01.2019 passed in W.P.No.2307 of 2018.

Writ Petition filed under Article 226 of the Constitution
of India, praying to issue a Writ of Certiorarified Mandamus
calling for the records relating to the impugned Government
Order passed by the 1st respondent in G.O.Ms.No.296 Finance
(Salaries) Department dated 09.10.2017 and the consequential
impugned order passed by the 2nd respondent in Letter

No.F.Circular/ SDO IV /Com/2017 dated 13.11.2017 and the consequential impugned order passed by the 3rd respondent in Lr.No.F.81171/Audit/SDO I/COM/2017 dated 19.12.2017 and quash the same as illegal arbitrary and without jurisdiction in so far as the work awarded to the petitioner namely providing improvements to water supply distribution in Tiruppur District by work order No.F.Tiruppur WSIS /SDO(T3)/CE/CBE/2017 dated 16.06.2017 and for a consequential direction to the respondents to make payment of the outstanding due payable to the petitioner as per the agreement/terms and conditions of bid document and in compliance of B.P.Ms.No.23 dated 31.03.2017 issued by the 2nd respondent within a time frame to be fixed by this court with interest at the rate of 12% p.a. and for costs

For Appellant : Mr.B.Raveendran
For Respondents : Mr.N.Srinivasan, Additional
Government Pleader-for R1
Mr.M.Arokiaraj - for R2 to R5

J U D G M E N T

(Judgment of the Court was delivered by DR.VINEET KOTHARI, J.)

The appellant, M/s.The Indian Hume Pipe Co., Ltd., has filed this intra Court appeal, aggrieved by the order of the learned Single Judge dated 28.01.2019, by which the learned Single Judge refused to interfere with the G.O.No.Ms.No.296, Finance (Salaries) Department, dated 09.10.2017, issued by the Finance Department of the Government of Tamil Nadu, making certain clarifications and procedural requirements about implementation of the new GST regime. The observations made by the learned Single Judge in the impugned order is quoted below for ready reference.

"The next contention of the learned Senior Counsel is that the impugned order has been issued in violation of the principles of natural justice is also cannot be countenanced for the simple reason that, it is only a general GO issued in respect of the existing contractors who have entered into agreements prior to the implementation of GST. As already held, the impugned GO has been issued only to remove the difficulties in implementing the GST regime. Now, it is also made clear that by way of impugned GO, the respondent Board was directed to initiate the negotiation with the existing contractors before entering into supplemental agreements and hence, it is always open to the petitioner to appear before the respondent concerned and submit his objection before entering into any supplemental agreement."

2. Having heard the learned counsel for the parties, we are satisfied that no interference is called for in the said order, by us in any manner, as apparently no cause of action has arisen to the petitioner / appellant. The existing Government Contractors have to follow the said GST procedures, which was stated in the said G.O.Ms.No.296 dated 09.10.2017. If any specific cause arises to the petitioner / appellant with regard to the illegal implementation of the provisions of the GST Act, the petitioner / appellant has departmental and appellate remedies in the said law itself for redressal of its grievances.

3. Therefore, this Court is not inclined to examine the academic questions at the instance of the appellant. The appeal is devoid of any merit and is liable to be dismissed. It is accordingly dismissed. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

KST
To

1.The Additional Chief Secretary
Finance (Salaries) Department
Fort St.George, Chennai.

2.The Managing Director
TWAD Board, Chennai - 600 005.

3.The Joint Managing Director
TWAD Board, Chennai 600 009.

4.The Chief Engineer
TWAD Board, Western Region
Coimbatore.

5.The Executive Engineer
TWAD Board, RWS Division
Tiruppur.

+1cc to Mr.B.Raveendran, Advocate, S.R.No. 53767
+1cc to Mr.M.Arokiyaraj, Advocate, S.R.No. 53583
+1cc to the Government Pleader, S.R.No. 53983

W.A.No.1499 of 2019

PPA(CO)
GN(05/08/2019)