



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.05.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.12181 of 2019

M/s.Grace Pulveriser,
3/ 67C-I, Harbour Bye-Pass Road,
Behind Fisheries College,
Tuticorin - 628 008.

...Petitioner

Vs

The Chief Executive Officer,
NLC Tamilnadu Power Limited,
Harbour Estate,
Tuticorin - 628 004.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 15.04.2019.

For Petitioner
For Respondent

:Mr.V.Raghavachari
:Mr.K.R.Laxman

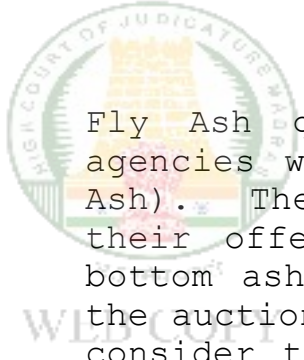
ORDER

This Writ Petition has been filed for a direction to the respondent to consider the representation of the petitioner, dated 15.04.2019.

2. Mr. K.R. Laxman, learned Standing Counsel takes notice for the respondent.

3. By consent of both parties, this Writ Petition is disposed of at the admission stage itself.

4. The petitioner is a proprietor of M/s. Grave Pulveriser and they are one of the leading exporters as well as traders of Fly Ash and substantially doing business depending on the Fly Ash supplied by the respondent. The petitioner concern has been duly registered under Commercial Tax Department of Tamil Nadu Government and it has involved in the said business for the past 10 years. The respondent had invited the tender for 7 lots, out of which 4 lots are earmarked for those agencies who have agreed and committed to take 75 metric tones of bottom ash for each lot of



Fly Ash quoted and balance of three lots are earmarked for agencies who opt to quote and lift only Fly Ash (without bottom Ash). The petitioner has participated in the tender and placed their offer for 3 lots to carry and transport fly ash without bottom ash. Out of 3 lots, as on date, the respondent confirmed the auction only for two lots to some other person. Requesting to consider the application of the petitioner for one lot, which is yet to be confirmed, the petitioner has sent a representation dated 15.04.2019, to the respondent. As there was no response to the same, the petitioner has filed this writ petition.

5. The learned counsel appearing for the respondent would submit that the representation of the petitioner will be considered within a time frame to be fixed by this Court.

6. Considering the facts and circumstances of the case and also having regard to the limited scope of the prayer, this Court, without expressing any opinion on the merits of the case, directs the respondent to consider the representation of the petitioner, dated 15.04.2019 on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (vo)

// True Copy //

Sub Assistant Registrar (CS)

To
The Chief Executive Officer,
NLC Tamilnadu Power Limited,
Harbour Estate,
Tuticorin - 628 004.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-66085[F] dated 16/05/2019)

+1 CC to M/s.V.RAGAVACHARI, Advocate (SR-66104[F] dated 17/05/2019)

trp/vsd

W.P (MD) No.12181 of 2019

15.05.2019