

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.20491 of 2013
and M.P.Nos.1 and 2 of 2013

M/s.Sahuwala Flour Mills
Rep by its Manager,
Mr.V.Sankaranarayanan,
No.27, Nammaiah Maistry Street
Chennai - 600 081

...Petitioner

vs

1. The Oversight Committee,
Headed by the Chairman and Managing Director,
Office of the Chairman and Managing Director,
M/s.Food Corporation of India,
16-20, Barakhamba Lane, New Delhi -1.
2. The Executive Director (South),
M/s.Food Corporation of India,
No.1, Haddows Road, Chennai - 600 006.
3. The General Manager,
M/s.Food Corporation of India,
Regional Office, No.8, Sathyamoorthy Road,
Chetpet, Chennai - 31.
4. The Manager (Commercial),
M/s.Food Corporation of India,
District Office, Chennai-31

...Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent made in his Proceedings No.J.1(1)/ 2012/ OMSS(D)/ B.C/SZ/S.III dated 28.5.2013 and quash the same and direct the fourth respondent to issue the release order of the 400 M.Tons from FSD Egmore based on the Acceptance Letter dated 21.7.2012 issued by the third respondent.

For Petitioner : No Appearance
For Respondents-1 & 2 : Served-No Appearance
For Respondent-3 : Mr.S.Vijayakumar

ORDER

This writ petition is heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. The petitioner has sought for a Writ of Certiorarified Mandamus, calling for the records of the first respondent made in his Proceedings No.J.1(1)/ 2012/ OMSS(D)/ B.C/SZ/S.III dated 28.5.2013, quash the same and consequently for a direction to the fourth respondent to issue the release order of the 400 M.Tons from FSD Egmores, based on the Acceptance Letter dated 21.7.2012 issued by the third respondent.

3. In the impugned order, it is stated that, as per the provisions of MTF and the powers delegated by the 2nd HLC of 2013, it was decided to refund the balance amount equivalent to the unlifted stock of wheat, to the petitioner, without any interest. The said order is now challenged in this Writ Petition.

4. The respondents have filed the counter affidavit, wherein, it is stated in paragraph 5, as follows:

"I submit that the petitioner herein wanted the respondent to supply for balance 400 metric ton from some other depots which is not permissible under law. I submit that it is the bone of contention of the respondents that there is no provision in the tender clauses regarding transfer of release order from one depot to another depot. As there is no provisions in the tender clauses from one depot to another depot, the petitioner was not provided 400 metric ton of wheat as allotted by the respondent-Corporation. In view of this, the fourth respondent refunded a sum of Rs.46,80,000/- towards the cost of 400 metric ton and the same was credited to the petitioner's account. The petitioner accepted the payment as early as on 11.06.2013."

5. As the petitioner has already accepted the refunded sum, it is submitted by the learned counsel for the respondents that

nothing survives to be adjudicated in this Writ Petition. However, as there is no representation for the petitioner, the Writ Petition is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Asr/srn
To

1. The Oversight Committee,
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16-20, Barakhamba Lane, New Delhi -1.
2. The Executive Director (South),
M/s.Food Corporation of India,
No.1, Haddows Road, Chennai - 6.
3. The General Manager,
M/s.Food Corporation of India,
Regional Office, No.8, Sathyamoorthy Road,
Chetpet, Chennai - 31.
4. The Manager (Commercial),
M/s.Food Corporation of India,
District Office, Chennai-31

+1 cc to M/s.S.Vijayakumar, Advocate Sr.No. 30168

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BP(CO)
RMP(19/10/2020)

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