

In the High Court of Judicature at Madras
Dated : 06.3.2020
Coram

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.5679 of 2020

Vijay Plas Fabs (P) Ltd.,
rep.by its Director S.Nainar ...Petitioner

Vs

- 1.The Commissioner, Tamil Nadu
Cooperative Sugar Federation
Ltd., 690, Anna Salai, Chennai-35.
- 2.The Managing Director, Tamil Nadu
Cooperative Sugar Federation Ltd.,
690, Anna Salai, Chennai-35.
- 3.The Managing Director, Ambur
Cooperative Sugar Mills Ltd.,
Vasupudupet, Vellore-635812. ...Respondents

PETITION under Article 226 of The Constitution of India
praying for issuance of a Writ of Mandamus to direct respondents
1 and 2 to consider the representation dated 26.9.2019 and
consequently direct the first respondent to release the withheld
amount of Rs.10,84,000/- to the petitioner.

For Petitioner : Mr.Y.Kaja Nivas
For Respondents : Mr.Bala Ramesh, SGP

ORDER

I have heard Mr.Y.Kaja Nivas, learned counsel for the
petitioner and Mr.Bala Ramesh, learned Special Government
Pleader accepting notice for the respondents. By consent, the
writ petition itself is taken up for final disposal.

2. The petitioner participated in a tender invited by the
first respondent for the purchase of polypropylene (PP) bags
with inner liner 50 kg capacity for 2014-15 season for
cooperative and public sector sugar mills. The petitioner
complied with the tender conditions, was declared as the
successful bidder and entered into an agreement for supply.

3. The case of the petitioner is that though the petitioner supplied the tender quantity, the security deposit remitted by the petitioner has not yet been returned. In this regard, the petitioner submitted a representation on 26.9.2019, followed by reminders dated 12.11.2019 and 18.12.2019. Since the petitioner did not receive any reply for the representation or for the reminders, he has approached this Court by filing this writ petition.

4. Admittedly, the agreement between the petitioner and the first respondent federation is a commercial contract and merely because the federation is a cooperative society, that cannot be a reason to file a writ petition for such a claim. In any event, the petitioner has to work out their remedies in accordance with the terms and conditions of the agreement or purchase order, etc. However, the petitioner is entitled to know as to for what reason, the security deposit has not yet been returned to them.

5. This is so because the terms and conditions of the tender provide for forfeiture of the earnest money deposit/security deposit in condition No.20. But, the petitioner should be made to know as to why the respondents are not releasing the security deposit. Hence, only to that extent, this Court is inclined to entertain the writ petition and not for any other purpose.

6. In the light of the above, the writ petition is disposed of by directing the second respondent to consider the petitioner's representation dated 26.9.2019 and inform the petitioner as to the reason for not releasing the security deposit. This exercise shall be completed within a period of 15 days from the date of receipt of a copy of this order. On receipt of the communication from the second respondent, it is open to the petitioner to work out their remedies in terms of the conditions in the agreement. No costs.

rs

सत्यमेव जयते

Sd/-

Assistant Registrar

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//True copy//

Sub Assistant Registrar

To

- 1.The Commissioner, Tamil Nadu Cooperative Sugar Federation Ltd., 690, Anna Salai, Chennai-35.
- 2.The Managing Director, Tamil Nadu Cooperative Sugar Federation Ltd., 690, Anna Salai, Chennai-35.
- 3.The Managing Director, Ambur Cooperative Sugar Mills Ltd., Vasupudupet, Vellore-635812.

+2cc to Mr.Y.Kaja Navas, Advocate SR.No.20084

+1cc to Mr.R.Bala Ramesh, Advocate SR.No.20443

WP.No.5679 of 2020

pa (CO)
mst (29/05/2020)



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