

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31630 of 2012
and M.P.No.1 of 2012
(heard through VC)

M/s.Kumbhat Holographics
a registered Partnership Firm
rep. by its Partners
1. Mrs.Prem Kumbhat
2. Mrs.Madhu Kumbhat
rep. by their Power of Attorney Holder
Shanthi Kumbhat,
S/o.Jaswant Mulla Kumbhat,
having registered office at
No.142, Govindappa Naicken Street,
Chennai-600 003. ... Petitioner

Vs

1. Ministry of Law and Justice,
Legislative Department
rep. by its Secretary,
New Delhi.
2. The Managing Director,
National Highways Authority of India,
G5, Section-10, Dwarka,
New Delhi-110 075. सत्यमेव जयते
3. The General Secretary,
Ministry of Small Scale Industries,
Udhyog Bhavan, New Delhi. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to pass appropriate orders by considering the petitioner's representation dated 21.05.2012.

For Petitioner : Mr.P.R.Balasubramanian

For Respondents : Mr.Richardson Wilson,
for M/s.P.Wilson Associates

O R D E R

The prayer sought for in this writ petition is to to direct the respondents to pass appropriate orders by considering the petitioner's representation dated 21.05.2012.

2. It is the case of the petitioner that the petitioner-Company is a manufacturer of high security holograms and allied products. On 10.07.2010, the respondent placed an order with the petitioner for supply of holograms and that the petitioner has also supplied the materials on 22.12.2010. Thereafter, the respondent had defaulted in making payments to the petitioner. Hence, the petitioner issued a legal notice dated 05.04.2012, which was acknowledged by the respondents on 11.04.2012. But, till date, no action was taken. Hence, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

4. Though the Writ Petition is filed in the year 2012, till today, no counter affidavit has been filed by the respondents. This Court, on 14.08.2020, had directed the parties to arrive at a compromise, as the issue involves certain amounts due to the petitioner, based on supply of holograms. Even after the passage of eight years, the counter affidavit has not been filed and the attempt for compromise has also not come forth.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the representation of the petitioner dated 21.05.2012, enquire into the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and by affording them an opportunity of personal hearing or virtual hearing and after verifying the relevant documents, within a period of eight weeks from the date of receipt of a copy of this order and report compliance to this Court.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

7. Post the Writ Petition after eight weeks "for reporting compliance".

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Secretary,
Ministry of Law and Justice,
Legislative Department
New Delhi.
2. The Managing Director,
National Highways Authority of India,
G5, Section-10, Dwarka,
New Delhi-110 075.
3. The General Secretary,
Ministry of Small Scale Industries,
Udhyog Bhavan, New Delhi.

CP(CO)
RMP(02/12/2020)

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