

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.NO.37106 of 2015

(Heard through VC)

M/s.Hi-Tec Valves,
Represented by its Proprietor,
Mr.A.Mohanraj,
Plot No.3, Part No.1,
TASS, Industrial Estate,
Ambattur, Chennai - 98. ... Petitioner

-vs-

1.The Government of India,
Department of Atomic Energy,
Represented by the Director of Purchase & Stores,
Directorate of Purchase and Stores,
Vikram Sarabhai Bhavan,
Anushakthinagar,
Mumbai - 400 094.

2.The Joint Director,
Purchase and Stores,
Department of Atomic Energy,
Vikram Sarabhai Bhavan,
Anushakthinagar,
Mumbai - 400 094.

3.The Maintenance Manager (P),
Heavy Water Plant (M),
Manuguru - 507 116,
Kammam District,

Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the second respondent to appoint an arbitrator in accordance with Clause 17 of the standard terms and conditions of the contract applicable to the first respondent to resolve the dispute arose between the petitioner and the respondents in respect of P.O.No.DPS/10/MTL/14041-TPT/PO40342 dated 15.06.2009.

For Petitioner : Mr.T.Ramkumar

For Respondents : Mr.N.Rajan
Sr.Central Govt.Standing Counsel

ORDER

The writ petition has been filed seeking a direction to the second respondent to appoint an arbitrator in accordance with Clause 17 of the standard terms and conditions of the contract applicable to the first respondent to resolve the dispute arose between the petitioner and the respondents in respect of P.O.No.DPS/10/MTL/14041-TPT/PO40342 dated 15.06.2009.

2. The petitioner is a registered supplier of industrial valves and its spares to the first respondent. The first respondent had invited tenders from approved suppliers for manufacture and supply of upper and lower wedges in different sizes. The petitioner had participated in the above tender and was awarded the said contract by way of purchase order dated 15.06.2009. As per the delivery schedule, the items covered by the purchase order ought to be delivered within 90 days from the date of receipt of the purchase order. The petitioner had promptly started the manufacturing process and had sent about 22 drawings for approval to the third respondent. After several reminders and follow-ups by the petitioner, the drawing were approved by the third respondent only on 25.01.2010. Thereafter, the petitioner sent a representation

<https://hcservices.courts.gov.in/hcservices/> to the second respondent to extend the validity of the

purchase order till 30.10.2010. The said request was neither rejected nor denied by the second respondent. While so, the petitioner received an intimation dated 28.01.2011 from the second respondent, cancelling the P.O.No.DPS/10/MTL/14041-TPT/PO40342 dated 15.06.2009 by stating that the petitioner was unable to execute the order, as per the terms and conditions imposed in the purchase order.

3. Since there was a dispute, which arose due to cancellation of purchase order by the second respondent, the petitioner proposed to invoke Clause 17 of the terms and conditions of the contract by making request to appoint an arbitrator to resolve the dispute. In this regard, the petitioner sent a representation dated 21.11.2014 to the second respondent to appoint an arbitrator as per the general terms and conditions of the contract. But, no action has been taken on the part of second respondent till date. Hence, a mandamus is sought for.

4. A counter affidavit has been filed by the second respondent, wherein, in paragraph 12, it is stated that an arbitrator was appointed even in the year 2016 and the said fact has been conveyed to the petitioner vide its office letter dated 22.02.2016.

5. Recording the above, the writ petition is dismissed as having become infructuous. No costs.

-Sd/-

Assistant Registrar (CS III)

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Sub Assistant Registrar

rsi

To

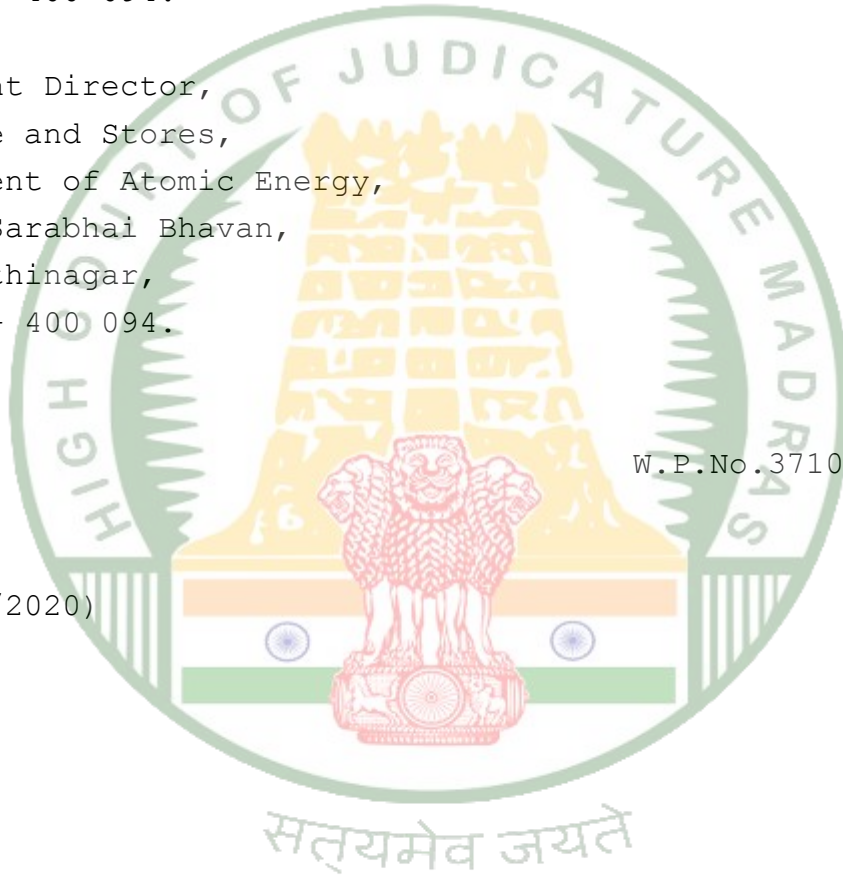
1. Director of Purchase & Stores,
Department of Atomic Energy,
Directorate of Purchase and Stores,
Vikram Sarabhai Bhavan,
Anushakthinagar,
Mumbai - 400 094.

2. The Joint Director,
Purchase and Stores,
Department of Atomic Energy,
Vikram Sarabhai Bhavan,
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