

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.01.2020

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.27206 of 2019

1 M/s. SNJ Sugars and Products
Ltd. Rep. by its Chief Financial Officer
Mr.N.Mathappan. ... Petitioner

Vs.

1 Union of India
Rep. by the Union Territory of Puducherry
Rep. by its Secretary ,
Department of Civil Supplies,
Puducherry - 605001.

2 The Managing Director,
Puducherry Agro Products Food and Civil
Supplies Corporation Ltd.,
Agricultural Complex,
Thattanchavady,
Puducherry - 605009.

3 The Director ,
Civil Supplies Department,
Chief Secretariat Govt. of Puducherry,
Puducherry - 605001.

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, Directing the respondents to pay the sum of Rs. 1,33,44,025/- (Rupees One Crore Thirty Three Lakhs Forty Four Thousand and Twenty Five Only) along with interest @ 18 percent per annum from the due date till the date of settlement of dues.

For Petitioner :Mr. V.Raghavachari

For Respondents:Mr. D.Ravichander, AGP (Pondy)
for R1 & R3
:Mr.T.M.Naveen for R2

ORDER

This Writ Petition has been filed in the nature of Mandamus directing the respondents to pay the sum of Rs. 1,33,44,025/- (Rupees One Crore Thirty Three Lakhs Forty Four Thousand and Twenty Five Only) along with interest @ 18 percent per annum from the due date till the date of settlement of dues.

2. In the affidavit filed in support of the said Writ Petition, the writ petitioner namely M/s. SNJ Sugars & Products Ltd has stated that they have supplied sugar products to the respondents as per the supply orders issued by the respondent and the products were delivered to Puducherry, Karaikal, Mahe and Yanam. The details are stated below:

S.No	Supply Order No.& Date	Month	Unit	Qty	Value (Rs)
01.	5-21/Sugar/PAPSCO/14-15 dated 27.01.15	Jan'15 (Special Order)	MTs	5	1,58,750
02.	6-4/PDS/Sugar/OMP/PAPSCO/15-16 dated 30.01.15	March'15	MTs	244	78,87,962
03.	6-4/PDS/Sugar/OMP/PAPSCO/15-16 dated 25.08.15	July & August '15	MTs	340	98,39,600
04.	6-4/PDS/Sugar/OMP/PAPSCO/15-16 dated 18.11.15	Sep'15	MTs	254.5	73,65,230
05.	6-4/PDS/Sugar/OMP/PAPSCO/15-16 dated 18.11.15	Oct'15	MTs	140	40,51,600
06.	6-4/PDS/Sugar/OMP/PAPSCO/15-16 dated 16.12.15	Nov & Dec'15	MTs	385.5	1,11,56,370
07.	6-4/PDS/Sugar/OMP/PAPSCO/15-16 dated 28.01.16	Jan'16	MTs	213	63,77,220
08.	6-4/PDS/Sugar/OMP/PAPSCO/15-16 dated 08.03.16	Feb & March' 16	MTs	439	1,31,43,660
Total					5,99,80,392

3. It is stated that the respondents have paid only a sum of Rs.4,99,28,292/- and the details have been given below:

S.No.	Date of Receipt	Amount (Rs)
01.	04.07.2015	20,00,000/-
02.	11.07.2015	56,59,147/-
03.	20.10.2015	25,00,000/-
04.	26.10.2015	25,00,000/-
05.	07.11.2015	34,10,816/-
06.	21.01.2016	82,71,984/-
07.	04.03.2016	20,00,000/-
08.	23.03.2016	1,01,74,750/-
09.	26.04.2016	5,00,000/-
10.	10.08.2016	1,19,11,595/-
11.	07.11.2016	10,00,000/-
Total		4,99,28,292/-

4. The petitioner further had stated that the following amount is due in accordance with the following table:

S.No.	Particulars	Amount (Rs)
01.	Total Amount Payable	5,99,80,392/-
02.	Total Amount received	4,99,28,292/-
03.	Balance Payable	1,00,52,100/-
04.	Security Deposit	32,91,925/-
05.	Total Amount Payable	1,33,44,025/-

5. In this connection, the Managing Director of the 2nd respondent, Mr.R.Muthukrishnan had filed an affidavit and the relevant portion of the affidavit is extracted below:

"(D) Now, the Dept. of Civil Supplies & Consumer Affairs, Govt. of Puducherry has forwarded the said Note file to the Law Department, Govt. of Puducherry for its approval and consonance. As instructed by the Govt. of Puducherry, expedite steps are being taken to complete the approval process by January, 2020. As soon as the entire process of the above e-auction is completed and revenue is generated, apart from using the revenue generated by the such process for the revival activities and improving the financial position of the 2nd Respondent Corporation, all its dues and liabilities, including the due payable to the Petitioner will also be

settled on priority basis."

6. In view of the above facts and circumstances, at this stage, the writ petition is disposed of, recording the undertaking of the respondents to settle all dues and liabilities payable to the petitioner herein on priority basis. The writ petitioner is at liberty to take recourse to appropriate legal proceedings in case, there is any breach of undertaking.

7. With the above observation, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

jrs

To

1. Managing Director,
Puducherry Agro Products,
Food and Civil Supplies Corporation Limited,
Agricultural Complex, Thattanchavady,
Puducherry 605 009.

2. The Director,
Department of Civil Supplies
and Consumer Affairs, Puducherry
Thattanchavady, Puducherry 605 009.

W.P.No.27206 of 2019

RGN(CO)
CB(25/02/2020)

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