

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.01.2020

CORAM

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

W.P.No.34885 of 2019

1 M/s AMMAA TRADER'S
Regd. Partnership Firm,
Rep. by its General Manager
R.G.Balakrishnan. Petitioner

Vs

1.Puducherry Agro Products,
Food and Civil Supplies Corporation Limited,
Rep. by its Managing Director,
Agricultural Complem, Thattanchavady,
Puducherry 605 009.
2.The Department of Civil Supplies
and Consumer Affairs, Puducherry
Rep. by its Director,
Thattanchavady, Puducherry 605 009. Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus, to
direct the respondents to pay its pending dues as on 16.11.2017
amounting to Rs.1 06 53 418/- with interest thereon.

For Petitioner : Mr. A.C.Manibharathi

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

ORDER

This Writ Petition has been been filed in the nature of
Mandamus, to direct the respondents to pay its pending dues as
on 16.11.2017 amounting to Rs.1,06,53,418/- with interest
thereon.

2.The Writ Petitioner is a Registered Licensed distributor
of IMFL & BEER products supplying the goods to all eligible
registered license holders. The petitioner had effected supply

to the respondent and it is stated that a sum of Rs.1,06,53,418/- for the period from 21.11.2011 to 16.11.2017 is due. It is also stated that the second respondent had issued a letter of Confirmation that total liability is Rs.1,06,53,418/- by letter dated 18.01.2019. It is under these circumstance, since the amount had not been paid, the writ petition has been filed.

3.In this connection, the learned counsel for the respondent stated that the respondent had given a confirmation of letter and the said letter is extracted below for ready reference:

"Ref.No.7-14/PAPSCO/2018-19

CONFIRMATION OF BALANCE

NAME OF PARTY : M/S. AMMAA TRADERS,
PUDUCHERRY.

REF : Your letter /Statement of Accounts
Received dt. on 16.10.2018

* * *

We state that a Credit Balance of Rs.1,06,53,148/- (One crore six lakhs fifty three thousand four hundred and eighteen only) exists in our books of accounts and other records maintained by PAPSCO AS ON 16.10.2018 (Unaudited).

This is for your kind information

signed

(B.RAJAM)

COMPANY SECRETARY
18.11.2019"

4.In view of the same, a direction is issued to the respondent to settle the dues as stated above within a reasonable time as it is stated that they would settle the same after disposing of the property for which the approval is awaited from the authorities regarding confirmation. The writ petition is therefore disposed of. The writ petitioner is at liberty to approach the Court again if there is non payment of the amount even after disposal of the property.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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

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

+1cc to the Government Pleader Sr.3644

W.P.No.34885 of 2019

ad[co]
srg 06/02/2020

सत्यमेव जयते
WEB COPY