

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.Nos.10436 of 2020
and W.M.P.No.12690 of 2020

M/s.Mantralaya Mohan Ads,
Rep. by its Proprietor,
Mr.G.Ramasubramanian

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
No.137, Mettupalayam Road,
Coimbatore - 641 043.
2. The Chief Accountant,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
No.137, Mettupalayam Road,
Coimbatore - 641 043

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the respondents to consider the petitioner's representation dated 06.07.2020 consequently direct the respondents to refund the entire amount of Rs.27,04,944/- to the petitioner based on Clause 15 of the agreement dated 13.04.2019.

For Petitioner : Mr.B.Manimaran
For Respondent-1 : Mr.A.Sundaravadhanan
For Respondent-2 : Served-No Appearance

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 06.07.2020 seeking for re-fund of sum of Rs.27,04,944/- on account of the Government imposed lock down, based on the petitioner's representation dated 06.07.2020.

2. It is the case of the petitioner that the first respondent awarded a contract to the petitioner to display

advertisements in the buses and other places owned by the first respondent-Corporation. According to the petitioner, due to the Government imposed lock down, buses were not plying during the said period and therefore, the petitioner has suffered a loss. According to him, in such circumstances, since he has not generated any income, he has given a representation on 06.07.2020 to the respondents requesting them to re-fund the sum of Rs.27,04,944/-, which he had paid to them as security deposit. Since the representation dated 06.07.2020 has not been considered, this Writ Petition has been filed.

3. Heard Mr.B.Manimaran, learned counsel for the petitioner and Mr.A.Sundaravadhanan, learned counsel for the respondent-1.

4. The relief sought for in this writ petition is an innocuous one. Admittedly, the petitioner has been awarded a contract by the respondents for displaying advertisements in the buses owned by the first respondent-Corporation. According to the petitioner, due to the Government imposed lock down, buses were not plying and he had suffered loss on that account. He has given a representation on 06.07.2020 requesting the respondents to re-fund the entire security deposit of Rs.27,04,944/- based on Clause 15 of the Agreement dated 13.04.2019 entered into between the petitioner and the respondents. Admittedly, the said representation has not been considered till date.

5. No prejudice will be caused to the respondents, if the representation of the petitioner dated 06.07.2020 is considered on merits and in accordance with law within a time frame to be fixed by this Court.

6. The learned counsel for the respondents, on instructions, would submit that a decision will have to take by the respondent-Board on the petitioner's representation and therefore, he seeks sufficient time for the respondents to consider the petitioner's representation.

7. After recording the rival submissions, this Court directs the first respondent to consider the petitioner's representation dated 06.07.2020 requesting the respondents to refund the security deposit amount of Rs.27,04,944/-, which they had deposited under the agreement dated 13.04.2019 on account of the alleged losses suffered by him due to the Government imposed lock down and pass final orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

srn

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
No.137, Mettupalayam Road,
Coimbatore - 641 043.
2. The Chief Accountant,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
No.137, Mettupalayam Road,
Coimbatore - 641 043

+1cc to M/s.B.Manimaran, Advocate, SR.No.11299
+1cc to M/s.A.Sundaravadhanan, Advocate, SR.No.11517

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PMK (CO)
KKV/16/03/2021

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