

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 22.02.2021

DELIVERED ON : 25.02.2021

**THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN**

**A.No.3356 of 2019**  
**in**  
**C.S.No.293 of 2019**

M/s.Indo-Tech Transformers Limited,  
Represented by its Chief Financial Officer,  
Mr.Saikrishnan C.P.  
Sy.No.153-210,  
Illuppapattu Village,  
P.O.Rajakulam, KM.64,  
Chennai – Bangalore Highway,  
Kancheepuram – 631 561, Tamil Nadu.

... Applicant /  
Plaintiff

Vs.

1.M/s.Venus Controls and Switchgear (P) Ltd.,  
# A, Hare Street,  
5<sup>th</sup> Floor, Ashoka House,  
Kolkata – 700 001.

2.M/s.Tamil Nadu Transmission Corporation Ltd.,  
(TANTRANSCO)  
10<sup>th</sup> Floor, NPKRR Ramasamy Maaligai,  
144, Anna Salai, Chennai – 600 002.

... Respondents / Defendants

**Prayer:** This application is filed under Order XIV Rule 8 of the Rules of the Madras High Court, Original Side, 1956 r/w. Section 151 C.P.C., to direct the respondents 1 and 2 / defendant 1 and 2 to either duly return the units 3 and 4 to the Applicant/Plaintiff in the same condition as supplied by the applicant/plaintiff and permit the applicant/plaintiff to repossess units 3 and 4.

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For applicant/plaintiff : Mr.A.K.Mylsamy

For 1<sup>st</sup> Respondent/  
1<sup>st</sup> Defendant : Mr. V.J.Arul Raj

For 2<sup>nd</sup> respondent/  
2<sup>nd</sup> Defendant : Mr.V.Viswanathan

**ORDER**

This application has been filed by the plaintiff in the suit, seeking a direction against the 1<sup>st</sup> and 2<sup>nd</sup> defendants to return the 3<sup>rd</sup> and 4<sup>th</sup> transformers to the plaintiff in the same condition as supplied by the plaintiff.

2. In the affidavit filed, it had been stated that the suit had been filed against the defendants for a judgment and decree to pay a sum of Rs.12,43,45,471/- and also for costs of the suit. The 1<sup>st</sup> defendant had placed an order on the plaintiff on 26.11.2015 for supply of 4 transformers towards a total contract value of Rs.16.60 Crores and an advance of Rs.1.38 Crores had been received. The plaintiff had also received a sum of Rs.6.35 Crores for the 1<sup>st</sup>

and 2<sup>nd</sup> transformers. They have totally received a sum of Rs.7.73 Crores. On the date of the application, the 3<sup>rd</sup> and 4<sup>th</sup> transformers had been supplied and it was the apprehension of the plaintiff that the 2<sup>nd</sup> defendant was taking steps to invite some other third party contractors to commission the transformers.

3. However, while advancing arguments in A.Nos.2611 and 2612 of 2020, the learned counsel for the plaintiff stated that the plaintiff had been issued with a communication calling upon them to come forward to erect and commission the said transformers.

4. The learned counsel for the plaintiff also stated that the plaintiff is ready and willing to erect and commission the 3<sup>rd</sup> and 4<sup>th</sup> transformers.

5. In view of that fact, the relief sought in the present application no longer survives and accordingly, the application is closed. No order as to costs.

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**(2/3)**

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Index: Yes/No

Internet: Yes/No

Speaking Order / Non-Speaking Order

**C.V.KARTHIKEYAN, J.**

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**Pre-delivery order in**  
**A.No.3356 of 2019 in**  
**C.S.No.293 of 2019**

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