



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.NOS.3836 AND 4543 OF 2016

AND

W.M.P.NOS.3209 AND 3886 OF 2016

M/s.Peri Software Solutions Private Limited
Rep. by its Director- Business Development
and Authorised Signatory B.Rajesh Kumar
No.4, 9th Avenue,
Anna Nagar,
Chennai - 600 083.

... Petitioner
in both W.Ps

Vs.

Tamil Nadu Arasu Cable TV Corporation Limited
Rep. by its Managing Director
34/123, Dugar Towers, 6th Floor,
Marshalls Road, Egmore,
Chennai - 600 098.

... Respondents
in both W.Ps

Prayer in W.P.No.3836 of 2016:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, call for the records of the respondent in Ref.No.6782/Accts/2015/TACTV and quash the order dated 25.01.2016 passed therein.

Prayer in W.P.No.4543 of 2016:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, call for the records of the respondent in Ref.No.6782/Accts/2015/TACTV and quash the order dated 01.02.2016 passed therein.



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For Petitioner : Mrs.Hema Muralikrishnan
in W.P.No.3836 of 2016

: Mr.K.P.Sathish Kumar
in W.P.No.4543 of 2016

For Respondents : Mr.Abdul Saleem
in both W.Ps

COMMON ORDER

The impugned orders dated 25.01.2016 and 01.02.2016 for terminating the contract by the respondent Tamil Nadu Arasu Cable Tv Corporation Limited is under challenge in the present writ petitions.

2. Perusal of the orders impugned could reveal that certain lapses on the part of the writ petitioner was identified and certain measures were taken for rectification. The performance of the writ petitioner/Peri Software Solutions Private Limited was reviewed by the respondents carefully and in detail and thereafter, a show cause notice was issued.

3. It is pertinent to note that such disputed facts with reference to allegations cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. It is a contractual obligation between the parties, more specifically, with reference to the terms and conditions of the agreement. Thus, the parties are bound to resolve the issues by approaching the Competent Court of law based on the documents and evidences made available.

4. Contrarily, such a rowing enquiry cannot be conducted in a writ proceedings by this Court. If at all the petitioner is able to establish that the actions initiated are improper, then as per the terms and conditions of the contract, the remedy available must be sought for. All these aspects require an elaborate adjudication and therefore, the petitioner is at liberty to approach the Competent Court of law for the purpose of resolving the disputed issues based on the evidences and documents.



5. With this liberty, the writ petitions stand disposed of. No costs. Consequently, the Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jeni/Cse

To

Tamil Nadu Arasu Cable TV Corporation Limited
Rep. by its Managing Director
34/123, Dugar Towers, 6th Floor,
Marshalls Road, Egmore,
Chennai - 600 098.

+1cc to Mr.L.Muralikrishnan, Advocate, S.R.No.69180
+1cc to Mr.K.P.Sathish Kumar, Advocate, S.R.No.69181
+2ccs to Mr.Abdul Saleem, Advocate, S.R.No.69233,69234

W.P.Nos.3836 and 4543 of 2016

RLD(CO)
PM/11/01/2022