

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.17490 of 2020

Sree Venkateswara Nursery Gardens,  
Rep by its Proprietior,  
M.Venkateswaran, S/o.Muthukrishnan  
Jayapuram Village and Post,  
Tirupathur Taluka & District. .... Petitioner

Vs.

The Managing Director,  
Puducherry Agro Services and  
Industries Corporation Ltd.,  
Agro House,  
Thattanchavady,  
Puducherry - 9. .... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondent to pay and discharge the bill amount of Rs.9,39,779/- (Rupees nine lakhs and thirty nine thousand and seven hundred and seventy nine only) along with interest by considering the representation Dated 13.10.2020 and grant such other relief deem fit.

For Petitioner : Mr.K.Gurusamy Raja

For Respondents : Mr.T.M.Naveen (Pondy)  
Addl. Govt. Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to pay the petitioner the sum of Rs.9,39,779/- (Rupees nine lakhs and thirty nine thousand and seven hundred and seventy nine only) along with interest by considering the representation Dated 13.10.2020.

2. The petitioner has stated in his affidavit that the sum of Rs.9,39,779/- (Rupees nine lakhs and thirty nine thousand and seven hundred and seventy nine only) along with interest is due and payable by the respondent for the supplies effected by them.

3. Since the respondent has admitted the liability to the petitioner, this writ petition is maintainable. An affidavit has also been filed by the respondent before this Court dated 29.01.2021, wherein, they have expressed their

financial difficulty to pay the admitted dues of the petitioner. According to them, the Excise Department, Government of Pondicherry is now taking steps to conduct E-Auction for sub-leasing of the licence of IMFL shops of the second respondent Corporation. According to them, due to Covid -19 pandemic, transfers made in the Excise Department (Deputy Commissioner - Excise) and on account of upcoming assembly elections etc., the Excise Department is not able to complete the process and it is trying to do so at the earliest possible. According to them, as soon as the entire process of the E-Auction is completed and revenue is generated and once the financial condition of the second respondent improves, the second respondent has given an undertaking that they will be able to pay the dues and liabilities of its creditors including the dues payable to the petitioner in this writ petition.

4. The said affidavit filed by the respondent before this Court is recorded. It is made clear that the petitioner's claim is an undisputed claim. The petitioner seeks for early payment of its dues. In a similar set of facts in respect of another creditor, where also there was admission of liability on the part of the respondent, a learned Single Judge of this Court by its order dated 20.01.2020 in WP No.23975 of 2019 passed the following order :-

"5. 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 of dues and liabilities payable to the petitioner herein on priority basis. The writ petitioner is at liberty to approach the appropriate Forum in case there is any breach of the undertaking".

5. The learned counsel for the petitioner on instructions would submit that the petitioner will be satisfied, if the same order is passed in this case also.

6. The learned counsel appearing for the respondent has also not raised any serious objections for passing similar orders in this writ petition also.

7. Accordingly, this writ petition is disposed of by recording the undertaking given in the affidavit filed by the respondent to settle all its dues and liabilities payable to the petitioner on priority basis. No costs.

8. The learned counsel for the petitioner requested this Court to direct the respondent to pay the admitted amount together with interest. With regard to the interest claim, this Court cannot pass any orders in this writ petition as the same has not been admitted by the respondent. The only observation that has been reiterated by this Court is that the respondent shall settle all the dues and liabilities on

priority basis as per their undertaking given before this Court.

Sd/-  
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

vsi2

To

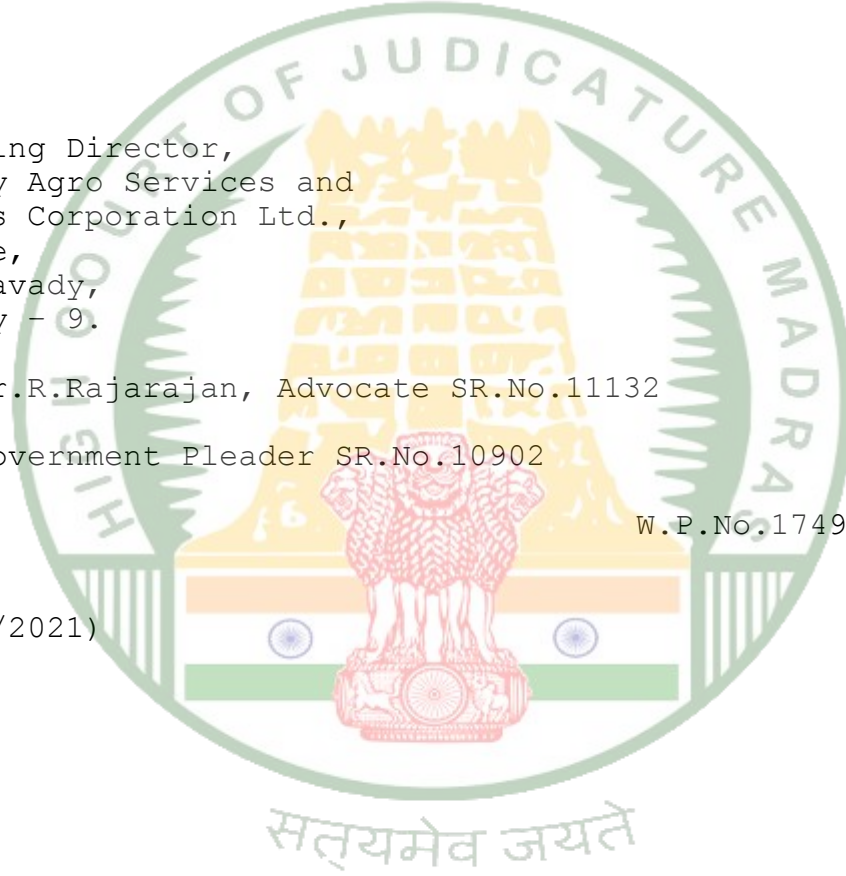
The Managing Director,  
Puducherry Agro Services and  
Industries Corporation Ltd.,  
Agro House,  
Thattanchavady,  
Puducherry - 9.

+1cc to Mr.R.Rajarajan, Advocate SR.No.11132

+1cc to Government Pleader SR.No.10902

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PMK (CO)  
GMY (16/06/2021)



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