



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23383 of 2019

And

W.M.P.No.23139 of 2019

M/s.Krishna Modern Rice Mill
Represented by its Partner
R.Yuvraj

...Petitioner

Vs.

1.The Department of Civil Supplies
And Consumer Affairs,
Puducherry
Represented by its Director
Thattanchavady,
Pondicherry 605 009.

2.Pondicherry Agro Products,
Food and Civil Supplies Corporation Limited,
Represented by its Managing Director,
Agricultural Complex,
Thattanchavady,
Pondicherry 605 009.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to pay a sum of Rs.4,47,85,174/- with interest at 13.25% p.a. towards supply of rice under tender notification number 10-1/Rice and Wheat/Tender/ PAPSCO/2017-18 dated 28.02.2018.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.D.Ravichander for R1
Government Advocate (Pondy)
Mr.T.M.Naveen for R2
SG.C



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents to pay a sum of Rs.4,47,85,174/- with interest at 13.25% p.a. towards supply of rice under tender notification number 10-1/Rice and Wheat/Tender/ PAPSCO/2017-18 dated 28.02.2018.

2.The case of the petitioner is that the petitioner successfully participated in the tenders issued by the respondent under Public Distribution Scheme from the year 2003, however, the respondents failed to make payment despite supply being made and due to the default, the petitioner was unable to service its loans. Thereafter the petitioner filed W.P.No.17444 of 2016 before this Court seeking direction to the respondents to pay the outstanding dues and this Court vide order dated 03.01.2019 disposed of the said writ petition with direction to the respondent to make the payment with interest. Even thereafter the payment was not made.

3.The further case of the petitioner is that the second respondent vide letter dated 29.11.2018 confirmed that there is outstanding due of Rs.4,27,25,760/- and the petitioner has also made representation seeking payment, even thereafter the amount was not paid. Hence, this writ petition.

4.Heard the submission made on either side and perused the materials available on record.

5.Perusal of records reveal that the second respondent vide communication dated 29.11.2018 has sent confirmation of balance to the petitioner, the relevant portion of which reads as follows:

"We state that a Credit Balance of Rs.4,27,25,760/- (Four Crores twenty seven lakhs twenty five thousand seven hundred and sixty only) exists in our books of accounts and other records maintained by PAPSCO for the supply order No.10-1/SBR/PAPSCO/PDY/SO/Lot Nos.2 & 4 / 2018-19 dt.15.06.2018 and 27.07.2018 for supply of White Colour Single Boiled rice in Puducherry region for the month of May'18 Permitted quantity."

6.In view of the above, this Court directs the first respondent to implement the communication of the second respondent dated 29.11.2019 within a period of four weeks from the date of receipt of a copy of this order, if there is no other legal impediment.



7.The learned Government Advocate (Pondy) appearing for the first respondent also agree that appropriate orders will be passed based on the communication of the second respondent dated 29.11.2019 within a period of four weeks from the date of receipt of a copy of this order, if there is no other legal impediment.

8.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Director
The Department of Civil Supplies
And Consumer Affairs,
Puducherry
Thattanchavady,
Pondicherry 605 009.
2. The Managing Director,
Pondicherry Agro Products,
Food and Civil Supplies Corporation Limited,
Agricultural Complex,
Thattanchavady,
Pondicherry 605 009.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.64203

W.P.No.23383 of 2019
And
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AK-II(CO)
RGA(21/01/2022)