



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25809 of 2021

Parvathy

...Petitioner

vs.

1. The Chief General Manager,
Indian Oil Corporation Ltd.,
Retail Outlet (Ms-HSD)
Regional Office,
Indian Oil Bhavan,
No.139, Nungambakkam High Road,
Nungambakkam, Chennai-600 034.
2. The Regional Manager,
Allahabad Bank,
Presently Amalgamation with Indian Bank,
V.P. Colony Branch,
Ayanavaram, Chennai-600 023.
3. The Manager,
IDBI Bank Ltd.,
Trade Finance Department,
Anna Salai, Chennai-600 035.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 17.02.2021 and to dispose the same within a reasonable time and consequently direct the 1st respondent to refund of excess amount encashment via Bank Guarantee under SAP 240997 of S.Balakrishnan Coco Service Provider .

For Petitioner	:	Mr.M.Chidambaram
For Respondent R1&R2	:	Mr.Abdul Saleem Standing counsel
For Respondent R3	:	No Appearance

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 1st respondent to



consider the petitioner's representation and to refund of excess amount encashment via Bank Guarantee under SAP 240997 of S.Balakrishnan Coco Service Provider .

2.The case of the petitioner is that the her husband namely Balakrishnan worked and retired as Deputy General Manager in Bharat Petroleum Corporation under V.R.S Scheme. After retirement, the petitioner's husband approached the 1st respondent in order to appoint him as Service provider under Coco Model Scheme. Thereafter, the petitioner's husband got appointed for the said post and the same was renewed till February 2018. Subsequently, the same was not extended since he attained the age of 60 years. Hence, the petitioner applied to get the same contract post in her name, however, the same was rejected.

3. It is further submitted that during the said contract period, the petitioner's husband executed a Bank Guarantee of Allahabad bank for Rs.39,00,000/- and the 1st respondent corporation had executed bank Guarantee of IDBI Bank Ltd., for Rs.69,00,000/- . Once the contract period was over, the petitioner's husband was due in a sum of Rs.63,09,295.40/- to the 1st respondent and the 1st respondent instead of encashing only Rs.69,00,000/-, have wrongfully encashed both the 1st respondent Bank Guarantee and also her husband's bank Guarantee of Rs.39,00,000/- with IDBI Bank Ltd also. Therefore, the petitioner's husband made several representation to the 1st respondent regarding the same and ultimately he died on 07.12.2021 and thereafter, the petitioner made representation on 17.02.2021 to the 1st respondent. However, till date no action was taken and the petitioner's representation was not disposed of. Hence, this Writ petition

4.The learned counsel for the petitioner submitted that the petitioner and her husband made multiple representation to the 1st respondent in order to refund the excess amount encashed by them and the 1st respondent sent a false reply to the petitioner on 22.06.2021 saying that investigation is not yet completed and they are not in a position to consider her request. He further submitted that, it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner's representation and to dispose of the same within the time stipulated by this Court.

5. The learned counsel for the 1st respondent fairly conceded that the petitioner's representation will be considered and appropriate order will be passed in accordance with law



within a period of four weeks from the date of receipt of a copy of this order.

6. Considering the submissions made by the learned counsel for both side, this Court without going into the merits of the case, issues direction to the 1st respondent to consider the petitioner's representation dated 17.02.2021 regarding the refund of excess amount encashed through the Bank Guarantee executed by the petitioner's husband and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

skt

To:

1. The Chief General Manager,
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Trade Finance Department,
Anna Salai, Chennai-600 035.
- +1 CC to Mr.M.Chidambaram, Advocate sr 63548
+1 CC to Mr. Abdul Saleem, Advocate sr 64024.

W.P.No.25809 of 2021

GJ(CO)
SP(03/01/2022)