



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.10236 OF 2012

AND

M.P.NOS.2 & 3 OF 2012

M/s.The Chettinad Cement Corporation Ltd.,
Rep. By its Company Secretary,
Rani Seethai Hall,
No.603, Anna Salai,
Chennai - 600 006.

... Petitioner

.Vs.

1. The TANGEDCO Ltd.,
Rep. By its Chairman and Managing Director,
No.144, Anna Salai,
Chennai - 600 002.

2. The Chief Engineer,
Civil Designs, TANGEDCO,
3rd Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.

3. The Chief Engineer,
TANGEDCO,
Mettur Thermal Power Station,
Mettur Dam - 636 406.

... Respondents

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records of the 3rd respondent in Lr.No.CE/SE/M.II/EE/O&AHS/MTPS/F.ShortColle/D.No.113/12 dated 09.02.2012 of the 3rd respondent and quash the same as illegal and arbitrary and consequently direct the 1st respondent to issue appropriate instructions to the 3rd respondent to strictly comply with the terms of the agreement between parties and not to levy any penalty for short collection.



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For Petitioner : Mr.T.Balaji

For Respondents : Mr.L.Jai Venkatesh
Senior Counsel

O R D E R

The writ petitioner has challenged the order issued by the 3rd respondent in letter No.Lr.No.CE/SE/M.II/EE/O&AHS/MTPS/F.ShortColle/D.No.113/12 dated 09.02.2012. The said matter of challenge is with regard to breach of terms and conditions of the contract entered between the parties. In other words, the breach of contract obligation has been put into test before the Court.

2. In a similar circumstances, this Court in WP.No.6686 to 6690 of 2015 by its order dated 30.11.2021, refused to entertain the factual disputes under Article 226 of the Constitution of India. Ultimately, the petitioner was granted liberty to approach the appropriate Court to resolve the factual disputes, which arose between the parties.

3. It is well settled that adjudication of factual disputes cannot be entertained under Article 226 of the Constitution of India. The present writ petition is also filed against factual disputes between the parties herein. Accordingly, this writ petition is not maintainable and the petitioner is given liberty to approach the appropriate Court for redressing his grievance. In the event the petitioner approaches the appropriate Court, the concerned Court shall consider the period during which the writ petition was pending, for the purpose of condoning the delay.

4. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kkn



To

1. The Chairman and Managing Director,
The TANGEDCO Ltd.,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer,
Civil Designs, TANGEDCO,
3rd Floor, NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer,
TANGEDCO,
Mettur Thermal Power Station,
Mettur Dam - 636 406.

+1cc to Mr.T.Balaji, Advocate, S.R.No.8953

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PCH(CO)
PBS/03/03/2022