



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.A.No.1804 of 2021

M/s.Balaji Enterprises (Pondy) Private
Limited, 16, Zamindar Garden,
Puducherry-605 001,
Rep. by its Director.

.. Appellant

vs

1. The Union of India,
Rep. by Chief Secretary to Government,
Government of Puducherry,
Puducherry.

2. The Excise Commissioner,
Government of Puducherry,
Puducherry.

3. Puducherry Agro Service And Industries Corporation Limited,
(A Govt. of Puducherry Undertaking)
Agricultural Complex, Tattanchavadi,
Puducherry 605 009, Rep. by
its Managing Director.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 22.02.2021 passed in W.P.No.699 of 2021 on the file of this Court.

PRAYER in W.P.No.699 of 2021: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents herein to pay the petitioner the sum of Rs.1,34,69,405/- (Rupees One Crore thirty Four lakhs Sixty nine thousand four hundred and five only) together with interest accrued at the rate of 14% per annum till date of full payment and Rs.56,18,441/- (Fifty six Lakhs Eighteen thousand and four hundred and forty one only) together with interest accrued at the rate of 14% per annum till date of full payment respectively.



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For the Appellant : Mr.AR.L.Sundaresan,
Senior Counsel
for M/s.AL.Gandhimathi

For the Respondents : Mr.J.Balamurugane
Govt. Pleader (Puducherry)
for RR 1 and 2

: Mr.T.P.Manoharan
Senior Counsel
for Mr.T.M.Naveen for R-3

JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Chief Justice)

A memo has been filed by the appellant to offer for the settlement. The schedule of payment has been given and if the payment is made as per the schedule given in the memo, then the appellant would forego the claim of interest at the rate of 14% per annum. The learned counsel appearing for the respondents, on instructions, submits that the respondents have agreed to make the payment as per the schedule given in the memo.

In the light of the aforesaid, nothing would survive in the appeal and accordingly, the memo is taken on record and the writ appeal is disposed of with a direction to the respondents to make the payment as per the schedule given in the memo and as agreed by them. In case of default, the appellant would be entitled to the interest at the rate of 14% per annum. It would be expected from the respondent Corporation and also the State Government to make arrangements for the payment within the stipulated time so as to save the burden of interest. Any default in it can be viewed against the administration which is managing the affair of the Corporation. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra



To:

1. The Chief Secretary to Government,
Union of India,
Government of Puducherry, Puducherry.
2. The Excise Commissioner,
Government of Puducherry, Puducherry.
3. The Managing Director,
Puducherry Agro-Products, Food &
Civil Supplies Corporation Limited,
(A Govt. of Puducherry Undertaking)
Agricultural Complex, Tattanchavadi,
Puducherry 605 009.

+2cc to M/s.AL.Gandhimathi, Advocate, S.R.No.37890
+1cc to Mr.T.M.Naveen, Advocate, S.R.No.37747
+1cc to the Government Pleader, Puducherry S.R.No. 38394

W.A.No.1804 of 2021

KV(CO)
CT/27/06/2022