



W.P.No.15314 of 2022 etc. batch

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.06.2022

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.15314, 15320 & 15315 of 2022
& W.M.P.Nos.14477 & 14478 of 2022

M/s. Sree Balaji Transport, Unit-II
Rep.by its Partner,
B.Vijayanand,
S/o.Pon Mani Baskaran,
No.5, Solai Krishnan Street,
Janaki Nagar,
Valasaravakkam,
Chennai – 600 087.

...Petitioner in W.P.Nos.15314 & 15315 of 2022.

M/s.Sree Gokul Transport,
Rep.by its Proprietor,
B.Muthulakshmi,
W/o.Pon Mani Baskaran,
Plot No.110, Door No.5,
Solai Krishnan Street,
Janaki Nagar, Valasaravakkam,
Chennai – 600 087.

...Petitioner in W.P.No.15320 of 2022.

Vs.

1.The State of Tamil Nadu,
Rep by., The Managing Director,
TASMAC Ltd,
CMDA Tower,
4th Floor, Egmore,
Chennai.



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2. The Senior Regional Manager,
TASMAC Ltd., Chennai Region,
No.735, Anna Salai,
LLA Building 4th Floor,
Chennai – 600 002.

3. The District Manager,
TASMAC Ltd., Unit-II,
Bangalore High Road,
Chembarambakkam Village,
Tiruvallur District East – 600 123.

...Respondents in all W.Ps.

Prayer in W.P.No.15314 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent in connection with the order passed by him in Na.Ka.No.A6//2022 dated 28.05.2022 and quash the same and direct the respondents to pay the dues, due to be paid with reasonable interest to the petitioner concern for the transportation as per the tender awarded in his favour and renew the period for the subsequent year.

Prayer in W.P.No.15315 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent in connection with the order passed by him in Na.Ka.No.A6/1154/2022 dated 02.06.2022 and quash the same and direct the respondents to pay the dues, due to be paid with reasonable interest to the petitioner concern for the transportation as per the tender awarded in his favour and renew the period for the subsequent year.

Prayer in W.P.No.15320 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the dues due to be paid with reasonable interest to the petitioner concern for the transportation as per the tender awarded in her favour and renew the period for the subsequent year.

In all W.Ps.

For Petitioners : Mr.R.Singaravelan
Standing Counsel

For Respondents : Mr.P.Arumugarajan
Standing Counsel



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COMMON ORDER

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Mr.P.Arumugarajan, learned Standing Counsel accepts notice for the respondents and is armed with instructions to proceed with the matter finally. Mr.R.Singaravelan, learned Senior Counsel appearing for the learned counsel for the petitioners on record would agree that a final order may be passed in these matters. Hence, this consolidated order disposing all the three writ petitions.

2. Three Writ Petitions have been filed, two assailing notices dated 28.05.2022 and 02.06.2022 in W.P.Nos.15314 & 15315 of 2022 respectively styled as 'விளக்கம் கேட்கும் குறிப்பாணை' and a consequential direction to the respondents to pay the dues that the petitioner believes it is entitled to for transportation along with interest for the delay in the settlement of the dues.

3. In W.P.No.15320 of 2022, the petitioner has only sought a mandamus directing the respondents to pay the dues that it believes it is entitled to with interest for transportation.

4. After the filing of W.P.No.15320 of 2022 the petitioner therein is also in receipt of an identical show cause notice dated 07.06.2022 styled as 'விளக்கம் கேட்கும் குறிப்பாணை' as in the case of the petitioner in other Writ Petitions as well.



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5. The petitioners state that it had responded to a tender for the transportation of Indian Made Foreign Spirits (IMFS), Beer and Imported Foreign Liquor (IFL) from its units to the retail vending shops of Tamil Nadu State Marketing Corporation Limited (TASMAC). The petitioners were successful in the bid and according to it, the tender agreement, in all cases, is liable to be renewed for the remaining portions of the licence period.

6. There are certain averments/allegations made in the affidavits in regard to the biased and prejudiced approach qua the petitioners on the ground of the political affiliation of the petitioners. I desist from referring to these allegations, since they are unnecessary for an effective disposal of the writ petitions.

7. Suffice it to say that allegations have been made by the respondents as against the petitioners in the impugned show cause notices, to the effect that liquor bottles were being hidden and transported in the vehicles which is contrary to the terms of the agreement. Even prior thereto, the petitioners are stated to have made representations dated 28.05.2022 (W.P.No.15314 of 2022), 02.06.2022 (W.P.No.15315 of 2022) and 22.04.2022 (W.P.No.15320 of 2022) claiming settlement of dues for transportation and also requesting for extension of the agreement.



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8. Mr.P.Arumugarajan, learned Standing Counsel, confirms that the aforesaid representations are, admittedly pending. The show cause notices and representations appear to have crossed each other, and thus I am of the considered view that to balance the interests of both the parties, it would suffice that following directions are issued:-

(i) The petitioners will file a response to the aforesaid show cause notices within a period two (2) weeks from today before R3.

(ii) R3, in consonance with R1, will consider the responses filed, take note of the averments in the representations, hear the petitioners and pass consolidated and speaking orders within a period of six (6) weeks from date of receipt of the replies, on the aspects of:

a) settlement of outstanding dues b) the extension sought of the licences as well as c) the findings on the allegations contained in the show cause notices.

6. These writ petitions stand disposed in the aforesaid terms. Connected writ miscellaneous petitions are closed. No costs.

21.06.2022

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Index : Yes / No

Speaking Order / Non Speaking Order



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Dr.ANITA SUMANTH,J.

Nst

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