



WEB COPY



W.P.No.2684of2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.2684 of 2014

&

M.P.No.1 of 2014

M/s. Sri Ganga Transport
rep by its Proprietor V.G.Jeyakumar
D-13, CMDA Truck Terminal Complex
Madhavaram, Ponnamman Medu P.O
Chennai-600 110

...Petitioner

Vs.

1.The Chief Administrative Officer
Market Management Committee (I& SM)
No.1, Gandhi Irwin Road
Egmore, Chennai-8

2.The Chairman
Market Management Committee & MS CMDA
No.1, Gandhi Irwin road
Egmore, Chennai-8

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified mandamus calling for the entire
records of the 1st respondent in letter No.
Lr.No.CAO/MMC/I&SM/0042/2012 dated 13.01.2014 and quash the same
since the same is arbitrary, beyond jurisdiction against the principles of



W.P.No.2684of2014

natural justice and further direct the 1st respondent to refund the EMD amount of Rs.3,00,000/- and security deposit of Rs.50,000/-.

For Petitioner : Mr.P.J.Rishikesh

For Respondents : Mr.C.N.Vinohba for R1

Mr.Y.Bhuvanesh Kumar for R2

ORDER

Writ Petition has been filed challenging the impugned order dated 13.01.2014.

2. Petitioner was successful bidder to collect the entry fee in the parking area at the rate of Rs.20,00,000/- per month and the work order has been issued on 27.11.2013 and the petitioner remitted a sum of Rs.3,00,000/- as earnest money deposit and security deposit of Rs.50,000/-. It is the contention of the petitioner that he has paid Rs.20,00,000/- for the first month. However, he sent a representation to the authorities to relieve him from the next two months on the ground of medical issues. However, without considering the earnest money deposit as well as the security deposit passed an order of black listing the petitioner for a period of three years.



WEB COPY

3. It is the contention of the learned counsel for the 2nd respondent that as per tender conditions the amount for the subsequent months has not been paid and therefore the earnest money deposit has been forfeited and the petitioner has been blacklisted. Hence, opposed the Writ Petition.

4. The main ground on which the challenge has been made by the learned counsel for the petitioner that no opportunity was given and blacklisting order has been passed. When the petitioner has expressed his inability to continue due to medical grounds the same ought to have been considered by the authorities which has not been considered. The blacklisting has been done for a period of three years and the amount Rs.3,00,000/- and security deposit Rs.50,000/- has been forfeited.

5. Learned counsel for the respondents would submit that the order has been passed by the Market Management Committee, the petitioner being a defaulter cannot seek to set aside such order.

6. I have perused the entire materials.



W.P.No.2684of2014

7. It is not in dispute that the petitioner has participated in the tender and was a successful bidder and work order was issued on 27.11.2013 and tender conditions also stipulates that the collection amount is to be remitted to the respondents, if the amount is not been paid for the two months it warrants action. Therefore, when the work order has been issued for three months and if the amount has not been paid the respondents have no other option except to forfeit the earnest money deposit and security deposit of the petitioner.

8. This Court is of the view that the work order has been issued for a period of three months and the amount is not been paid for subsequent period, merely on the basis of some representation the petitioner cannot abruptly relieve from the work. He has to follow the terms and conditions of the tender which has not been done so. Therefore, this Court is of the view that forfeiting the amount of Rs.3,00,000/- and Rs.50,000/- cannot be intervened.

9. However, the petitioner has been blacklisted for non payment. Before black listing no opportunity has been given. In such view of the



W.P.No.2684of2014

matter, black listing order passed by the respondents alone is set aside.

Accordingly, the Writ Petition is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15.12.2022

kpr

Internet: Yes

Speaking/non-speaking order

To

1. The Chief Administrative Officer

Market Management Committee (I& SM)

No.1, Gandhi Irwin Road

Egmore, Chennai-8

2. The Chairman

Market Management Committee & MS CMDA

No.1, Gandhi Irwin road

Egmore, Chennai-8



WEB COPY



W.P.No.2684of2014

N. SATHISH KUMAR, J.

kpr

W.P.No.2684 of 2014
&
M.P.No.1 of 2014

15.12.2022