



W.P(MD)Nos.6356, 6357, 6358 and 6359 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.6356, 6357, 6358 and 6359 of 2012

and

M.P.(MD)Nos.1, 1, 1 and 1 of 2012

T.Ragavan

... Petitioner in all petitions

Vs.

Tamil Nadu Warehousing Corporation,

Represented by its Managing Director,

82, Anna Salai,

Guindy, Chennai-32.

... Respondents

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order, dated 09.03.2012 in Rc.Nos.3559/11/C2, 4303/11/C2, 4302/11/C2 and 4304/11/C2 has been passed by the respondent and quash the same and direct the respondent to refund the Earnest Money Deposit made by this petitioner.



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In all petitions:

For Petitioner : Mr.B.Rajesh Saravanan

For Respondent : Mr.C.Gangaiamaran

ORDER

All the writ petitions have been filed challenging an order passed by the respondent herein under which, the respective petitioners were blacklisted and the EMD amount was forfeited.

2.According to the petitioner, he is a contractor for undertaking civil works in the respondent corporation. Though they have submitted the tender in proper form, work orders were not issued by the respondent corporation. The petitioner was a successful bidder in all the four projects, therefore, he was called upon by the respondent corporation to reduce the price quoted by him by way of private negotiations. Since the petitioner had refused to accept the said private negotiations, the respondent corporation has chosen to pass the impugned orders under which, he was blacklisted and the EMD amounts paid for each one of the four projects have been forfeited.



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3.The order blacklisting the petitioner was restricted to the period of three years from the date of the impugned orders and the said period has already expired.

4.On instructions, the learned counsel for the respondent submits that the respondent corporation is ready to refund the EMD amount paid by the petitioner for the four projects, for which, he was declared as a successful bidder.

5.In view of the above said facts, the following order is being passed:-

(i)The order blacklisting the writ petitioner shall not in any way affect the rights of the writ petitioner in participating the future tenders to be floated by the respondent corporation;

(ii)The EMD amount in each one of the project shall be refunded to the writ petitioner with 6% interest from 1st April 2012 till the date of realization;



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(iii)The said repayment shall be made within a period of twelve weeks from the date of receipt of a copy of this order;

6.With the said observations, the Writ Petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

04.08.2022

Index : Yes / No
Internet : Yes / No
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To

The Managing Director,
Tamil Nadu Warehousing Corporation,
82, Anna Salai,
Guindy, Chennai-32.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)Nos.6356, 6357, 6358 and 6359 of 2012

Dated: 04.08.2022