



W.P(MD)No.20586 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20586 of 2013

and

M.P(MD)Nos.1 to 3 of 2013

M/s.Sri Lakshmi Industries
Represented by its Proprietor
Gunasekaran.

... Petitioner

Vs.

1.The Chief Engineer/Civil Design,
TANGEDCO Ltd., (TNEB),
144, Anna Salai,
Chennai-600 002.

2.The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
Virudhunagar.

3.The Chief Stores Officer,
(Vembakottai),
TANGEDCO,
Virudhunagar.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order made in Lr.No.SE/CH & PCC/EE4/A1/PO.21/19.9.11/D1356/12 dated 30.10.2012 passed by the 1st respondent and quash the same and consequently direct the respondents to forthwith return the 357 Nos TMT Grills 8.0 Mtr from Vembakottai to the petitioner so as to replace teh same as per the communication of the 3rd respondent made in LR.No.CSO/CS/VREDC/VDR/SCA/F.P.P.NO.21/19.09.11 D.NO.11 dated 06.01.2012.

For Petitioners : Mr.Pala Ramasamy

For Respondents : Mr.S.Deenadhayan
Standing Counsel

ORDER

The present writ petition has been filed challenging an order passed by the 2nd respondent herein, under which the 2nd respondent has demanded a sum of Rs.2,08,779/- (Rupees Two Lakh Eight Thousand Seven Hundred and Seventy Nine) towards liquidated damages for delay in supply/defective supply of TMT grill suitable for casting 8.0m RCC poles.



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2. According to the petitioner, he was awarded with the contract for supply of TMT grills and a purchase order was issued to him in PO. 21, dated 19.09.2011.

3. As per the purchase order, all the goods have to be delivered within a period of 180 days from the date of receipt of the purchase order. However, since there was delay in supplying the materials, a letter was addressed to the writ petitioner by the respondent authorities on 06.01.2012, directing them to replace the defective materials. Thereafter, the present impugned order came to be passed on 30.10.2012, levying penal interest of a sum of Rs.23,982/- (Rupees Twenty Three Thousand Nine Hundred and Eighty Two only) and LD for the grills not supplied as per the allotment, a sum of Rs.1,84,797/- (Rupees One Lakh Eighty Four Thousand Seven Hundred and Ninety Seven only) was imposed. This order is under challenge in the present writ petition.

4. According to the learned counsel for the petitioner, the petitioner came to know about that by way of proceedings, dated 20.12.2013. The amount that is imposed towards penalty in the impugned



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order has already been recovered by another Electricity Distribution Centre, namely Karur EDC.

5. The learned counsel for the petitioner further contended that the amount, which is in excess of the amount as claimed in the impugned order have been deducted. Apart from that, there has also been double deductions in the said order, dated 20.12.2013 passed by Karur EDC. Hence, the learned counsel for the petitioner seeks permission of this Court to send a fresh representation to the 1st respondent herein to refund the excess amount that was recovered from the writ petitioner on 20.12.2013. The learned counsel for the petitioner further contended that they came to know about the order of Karur EDC, dated 20.12.2013 only in October 2022 and hence, they seek permission of the Court to approach the 1st respondent as well as Karur EDC to ventilate their grievances.

6. The amount that was demanded in the impugned order has already been recovered by Karur EDC by their proceedings, dated 20.12.2013. Hence, the question of quashing the present order does not arise. In case, if the petitioner feels that the excess amount/double



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deduction has been made by Karur EDC by their proceedings, dated 20.12.2013, they are at liberty to approach the 1st respondent or Karur EDC as the case may be to ventilate their grievances.

7. With the above said observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

16.11.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

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Order made in
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