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W.P.No.11904 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.04.2023

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.11904 of 2023

S.P.Mani & Mohan Dairy (India) Pvt. Ltd.,
represented by its Joint Managing Director
M.Dhayalan
34 & 84, Jeevanatham Street, Kollampalayam,
Erode – 638 002, Erode District

... Petitioner

Vs

1. The Managing Director,
The Tamil Nadu Cooperative Milk Producers
Federation Ltd.,
No.36-A, Pasumpon Muthuramalinganar Salai,
Nandanam, Chennai – 600 035.
2. The General Manager,
The Coimbatore District Cooperative Milk Producers
Union Ltd., Pachapalayam, Kollampalayam Post,
Coimbatore – 641 010, Coimbatore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to pay the amount of Rs.58,935/- due to the petitioner company and to return the deposit amount of Rs.16,00,000/- and also to release the bank guarantee of Rs.40,00,000/- given by the petitioner company by considering the representation of the petitioner company dated 01.09.2022.



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For Petitioner : Mr.M.Karthik

For Respondent : Mr.K.V.Sajeev Kumar
Special Government Pleader

ORDER

Mr.K.V.Sajeev Kumar, learned Special Government Pleader accepts notice for the respondent and is armed with necessary instructions to enable a final disposal of this matter, even at the stage of admission.

2. The petitioner is a private limited company and had been the beneficiary of a work order issued on 19.05.2018 by the second respondent (Coimbatore District Cooperative Milk Producers Union Ltd./R2, in short). The work order related to conversion of raw chilled milk/whole milk into skimmed milk powder, raw chilled milk into white butter, skimmed milk into skimmed milk powder and storage of products. The period of contract was for one year from 19.05.2018. A second work order had been issued on 01.06.2019 for the same scope of work and also extending for a period of one year.

3. The petitioner claims to have given bank guarantees in respect of both the work orders. The prayer of the petitioner is for a mandamus directing the respondent to pay over certain dues claimed by the petitioner and for return of the deposits as well as release of the bank guarantees given by the petitioner.



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4. It is the case of the petitioner that several representations have been made seeking the same relief, inspite of which, the petitioner's grievance remain unaddressed.

5. In light of the limited prayer sought and also for the reason that the representation dated 01.09.2022 filed before R2 contains a prayer for the similar relief as made before this Court, it would suffice that mandamus is issued to R2, being the General Manager of the R2 union to consider the representation of the petitioner dated 01.09.2022, hear the petitioner and pass orders thereupon within a period of six (6) weeks from date of receipt of a copy of this order.

6. This Writ Petition is disposed as above. No costs.

20.04.2023

Index : Yes / No

Speaking Order

Neutral Citation: Yes

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To

1. The Managing Director,

The Tamil Nadu Cooperative Milk Producers Federation Ltd.,
No.36-A, Pasumpon Muthuramalinganar Salai,
Nandanam, Chennai – 600 035.

2. The General Manager,

The Coimbatore District Cooperative Milk Producers
Union Ltd., Pachapalayam, Kollampalayam Post,
Coimbatore – 641 010, Coimbatore District.



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Dr.ANITA SUMANTH,J.

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