



W.P.Nos.34510 & 34515 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.Nos.34510 & 34515 of 2022

and

W.M.P.Nos.33961 & 33968 of 2022

M/s.Dodla Dairy Limited,
Rep. by its Authorised Signatory,
A.Madhusudhana Reddy,
Ottanchatram Main Road,
Vedasandur,
Dindigul - 624 710.

... Petitioner in W.P.No.34510/2022

M/s.Dodla Dairy Limited,
Formerly known as KC Dairy Products Pvt. Ltd.,
Rep. by its Authorised Signatory,
A.Madhusudhana Reddy,
Ottanchatram Main Road,
Vedasandur,
Dindigul - 624 710.

... Petitioner in W.P.No.34515/2022

vs.

1.The Tamil Nadu Co-operative Milk
Producers Federation Ltd. (Aavin),
No.36A, Pasumpon Muthuramalinga Thevar Road,
Nandanam, Chennai - 600 035.
Rep. by its Managing Director



W.P.Nos.34510 & 34515 of 2022

2. The Coimbatore District Co-operative Milk
Producers Union Ltd. (Aavin),
Pachapalayam,
Kalambalayam Post,
Coimbatore - 641 010.
Rep. by its General Manager

... Respondents in both W.Ps.

Prayer in W.P.No.34510 of 2022: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents herein to forthwith refund the sum of Rs.2,50,000/- being the earnest money deposit (Rupees Two Lakhs and Fifty Thousand Only) and the sum of Rs.12,50,000/- (Rupees Twelve Lakhs and Fifty Thousand Only) being the performance security deposit payable to the petitioner under the agreement dated 01.06.2019 between the petitioner and the 2nd respondent with interest @ 18% per annum from 01.12.2020 till date of full payment.

Prayer in W.P.No.34515 of 2022: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents herein to forthwith refund the sum of Rs.2,50,000/- being the earnest money deposit (Rupees Two Lakhs and Fifty Thousand Only) and the sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) being the performance security deposit payable to the petitioner under the agreement dated 19.05.2018 between the petitioner and the 2nd respondent with interest @ 18% per annum from 19.11.2019 till date of full payment.

For Petitioner : Mr.AR.Karthiklakshaman
in both W.Ps.

For Respondents : Mr.S.Ravikumar
in both W.Ps. Special Government Pleader



W.P.Nos.34510 & 34515 of 2022

COMMON ORDER

WEB COPY

These Writ Petitions have been filed for issuance of Writ of Mandamus to direct the respondents herein to forthwith refund the Earnest Money Deposit and Performance Security Deposit amount payable to the petitioner under the agreement dated 01.06.2019 and 19.05.2018, respectively, between the petitioner and the 2nd respondent with interest @ 18% per annum from 01.12.2020 and 19.11.2019, respectively, till the date of full payment.

2. The grievance of the petitioner in these writ petitions is that despite completion of the contract, the respondents have not refunded the Security Deposit and Earnest Money Deposit amount as stipulated under the contract.

3. Learned Special Government Pleader appearing for the respondents has placed before this Court the written instructions received by him from the respondents dated 12.01.2023. As seen from the written instructions, the second respondent has agreed to refund the Earnest Money Deposit and Security Deposit amount totalling a sum of Rs.27,50,000/-



W.P.Nos.34510 & 34515 of 2022

(Rupees Twenty Seven Lakhs and Fifty thousand only) to the petitioner.

WEB COPY

However, the learned Special Government Pleader seeks twelve weeks time to pay the agreed amount.

4. This Court is of the considered view that twelve weeks will be too long a time, that too, when the sum payable to the petitioner is admitted by the respondents.

5. After giving due consideration to the present financial situation of the respondents, this Court deems it fit to grant four weeks time for the respondents to pay the aforesaid sum of Rs.27,50,000/- (Rupees Twenty Seven Lakhs and Fifty thousand only) towards full and final settlement to the petitioner.

6. Accordingly, these Writ Petitions stand disposed of after recording the written instructions dated 12.01.2023 placed on record before this Court by the learned Standing Counsel appearing for the respondents as stated *supra* by directing the respondents to pay the sum of Rs.27,50,000/- towards full and final settlement to the petitioner within a period of four



W.P.Nos.34510 & 34515 of 2022

weeks from the date of receipt of a copy of this order. No costs.

WEB COPY

Consequently, connected miscellaneous petitions are closed.

23.01.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
rsi

To

- 1.The Managing Director,
Tamil Nadu Co-operative Milk
Producers Federation Ltd. (Aavin),
No.36A, Pasumpon Muthuramalinga Thevar Road,
Nandanam, Chennai - 600 035.
- 2.The General Manager,
Coimbatore District Co-operative Milk
Producers Union Ltd. (Aavin),
Pachapalayam,
Kalambalayam Post,
Coimbatore - 641 010.



WEB COPY



W.P.Nos.34510 & 34515 of 2022

ABDUL QUDDHOSE, J.

rsi

**W.P.Nos.34510 & 34515 of 2022
and
W.M.P.Nos.33961 & 33968 of 2022**

23.01.2023