



WEB COPY



W.P.Nos.25712, 25715, 25720,
25721 & 25728 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.25712, 25715, 25720, 25721 & 25728 of 2018

M/s.Alvittas Electricals Pvt Ltd
60 (Old No.33) Kasturi Rangan Road,
Alwarpet,
Chennai-600 018
Rep Ashokkumar Kantilal Modi
S/o.Late Kantilal Ochhavial Modi

... Petitioner
(in W.P.Nos.25712, 25715, 25720
& 25721 of 2023)

M/s.Uma Enterprises,
Oo (Old No.33) Kasturi Rangan Road,
Alwarpet,
Chennai-600 018,
Rep Uma Ashokkumar Modi
S/o.Ashokkumar Kantilal Modi

... Petitioner
(in W.P.No.25728 of 2018)



W.P.Nos.25712, 25715, 25720,
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Vs

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1. Micro Small Enterprises Facilitation,
Council, Chennai Region,
SIDCO Corporate Building,
Guindy, Chennai-600 032.
Rep by its Chairman.

2. The Chief Engineer
Materials Management
TANGEDCO Ltd,
144 (Old 8000-4th Floor, Anna Salai,
Chennai-600 002.

... Respondents
(in all petitions)

PRAYER in all Petitions: Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to make the payment as ordered by the 1st Respondent dated 24.03.2017 made in O.P.No.MSEFC/C/41/2015-1 and as represented by the petitioner in his letter dated 27-Dec-2017 within the time stipulated this Court.

For Petitioner
(in all petitions) ... M/s.S.Elamurugan

For Respondents
(in all petitions) ... Mr.P.Dinesh Kumar for R1
... Mr.D.R.Arun Kumar,
Standing Counsel for TNEB for R2



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COMMON ORDER

Since, the issue involved in all Writ Petitions are one and the same, all the petitions are taken up for final disposal by way of a common order.

2. The above Writ Petitions have been filed for a direction to the 2nd respondent to make the payment as ordered by the 1st respondent dated 24.03.2017 in accordance with the petitioner letter dated 27.12.2017 within the time that may be stipulated by this Court.

3. The petitioners herein are small scale industries duly registered with Government of Tamil Nadu. It is the case of the petitioners that the 2nd respondent who placed orders for purchase of Aluminium Conductors, while settling the bills, had delayed in payment for the supplies, which resulted in financial strain for the petitioners to run their unit. Since the petitioners are entitled to claim compound interest towards the delay in payment, a petition was filed by the respective petitioners before the 1st respondent, claiming interest component, however, their claim was rejected by the 1st respondent, which prompted the petitioners to file a batch of Writ Petitions in



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W.P.Nos.42388 to 42392 of 2016 as against the orders of the 1st respondent rejecting the claim of the petitioners, wherein, this Court vide order dated 02.12.2016, has allowed the Writ Petitions and remanded the matter to Respondents 1 & 2. In compliance of the said order, the 1st respondent has passed an order dated 24.03.2017 holding that the 2nd respondent is liable to pay interest component to the petitioners. Though the petitioners made a representation to the 2nd respondent requesting to make the payment as per the order dated 24.03.2017, however, till date, the 2nd respondent has not taken any steps to implement the order of the 1st respondent. Hence, the petitioners have come up with these Writ Petitions with the aforesaid prayer.

4. Though very many grounds have been raised, learned counsel for the petitioners submitted that it would suffice if this Court issues a direction to the 2nd respondent to implement the order dated 24.03.2017 which was passed by the 1st respondent based on the petitioners' representation dated 27.12.2017 within the time that may be stipulated by this Court.



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5. On the above contention, this Court heard the learned standing counsel appearing on either side and perused the materials available on record.

6. A perusal of the materials placed on record reveals that as against the order of the 1st respondent, the Chief Engineer, TANGEDCO has filed a Writ Petition before this Court in W.P.No.20785 of 2017 and this Court vide order dated 26.08.2022 allowed the Writ Petition by setting aside the order of the 1st respondent dated 24.03.2017 and the matter was remanded back on the file of the 1st respondent council and the 1st respondent was directed to follow the step by step procedure contemplated under Section 18(2) and 18(3) of MSMED Act and dispose the matter within the stipulated time.

7. In the light of the aforestated facts, this Court without going into the merits of the contention, directs the petitioners to file a representation before the 1st respondent afresh and on receipt of the same, the 1st respondent is directed to consider the same and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of the representation.



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M.DHANDAPANI, J

NHS

8. These Writ Petitions are disposed of with the above direction. There shall be no order as to costs.

17.03.2023

NHS

Index:Yes/No

Internet:Yes

To

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