



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

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Wednesday, the Twenty Eighth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMA(MD). No.591 of 2023

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Bye Pass Road,Madurai.

... Appellant/Respondent

Vs

1 Kanmani

2 Naveen

3 Rajalakshmi

... Respondents/Petitioners

Prayer :-

This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, against the award made in M.C.O.P.No.2085/2019 dated 01.10.2021,on the file of the Motor Accident Claims Tribunal, the III Additional District Court, Madurai.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.A.Thirumalaiyappan, Advocate for the Petitioner and of Mr.P.Thennavan, for the respondents, this Court made the following order:



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Pursuant to the orders of this Court, an affidavit has been filed by the Additional Chief Secretary to the Government, Government of Tamil Nadu, Transport Department, wherein, it is stated that an amount of Rs.681.81/- crores collected as cess in accounts and from that, a sum of Rs.620.24/- has been utilized for working capital requirements due to Covid 19 pandemic and now after Covid-19 pandemic, all the Corporations started depositing cess amount in the designated account and it is utilized for the purpose for which it was collected. However, it is also stated that every steps have been taken to clear the back-log in the cess in a phased manner, as early as possible. This Court, is of the view that, when the contribution towards cess has been collected for the payment towards pension, the very usage of the fund during Covid-19 pandemic itself, is not proper. Now an affidavit has been filed by the Additional Chief Secretary to the Government, Transport Department, Government of Tamil Nadu to the effect that the Covid-19 pandemic is over and the amount has been transferred to the designated account and it will be used for the purpose of disbursing the compensation. It is also stated that the amount collected through cess will not be utilized for any other purpose. The affidavit filed by the Additional Chief Secretary to the Government, Transport Department, Government of Tamil Nadu is taken on record. As the Transport Corporation bus is not covered under the insurance under the policy of the Government, cess amount has been collected only to meet out the compensation

<https://www.mhc.tn.gov.in/judis>



amount. Such amount shall not be used for any other purpose. The very diversion is mechanically made during Covid 19 pandemic is not proper. In fact, it amounts to temporary misappropriation.

2. In such view of the matter, this Court direct that hereinafter no such diversion of accounts should be made for any other purpose, except for the purpose, for which, cess has been collected and the Transport Corporation is also directed to ensure that all the pending dues are to be cleared periodically, so that huge loss in the form of interest can be prevented. If the compensation amount is settled then and there, the very huge loss to the Government in the form of interest will be stopped and as such, no such diversion should be made in the future.

3. Accordingly, the above said affidavit of undertaking is recorded.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)

TO,

1. The Additional Chief Secretary to the Government,
Transport Department,
Government of Tamil Nadu,

Chennai

<https://www.hcmcm.in/judis>



2.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Bye Pass Road,Madurai.

COPY TO:
THE III ADDITIONAL DISTRICT COURT,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
MADURAI.

ORDER DATED : 28/06/2023

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ORDER

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CMA(MD). No.591 of 2023

Giving direction and etc.
as stated within.

MK/07.09.2023 4P 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023