



W.P. (MD) No. 28381 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P.(MD) No. 28381 of 2022

Karthick

... Petitioner

Vs.

1. The District Collector,
Trichy District, Trichy.

2. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC), BHEL Nagar, Thuvakudi,
Trichy.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the Respondents to refund the refundable deposits to the Petitioner pertaining to the Bar attached to the TASMAC shop No.10331 situated in Manapparai – Sevalur junction road, Manapparai, Trichy District respectively based on the Petitioner's representation dated 16.11.2022.



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For Petitioner : Mr. N.Anandakumar
For Respondent No.1 : Mr. K.S.Selvaganesan
Additional Government Pleader
For Respondent No.2 : Mr. S.Sivanesan
Standing Counsel

ORDER

Heard Mr. N.Anandakumar, Learned Counsel for the Petitioner, Mr. K.S.Selvaganesan, Learned Additional Government Pelader, who takes notice for the First Respondent and Mr. S.Sivanesan, Learned Standing Counsel, who takes notice for the Second Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents to refund the refundable deposits to the Petitioner pertaining to the Bar attached to the TASMACH Shop No.10331 situated in Manapparai – Sevalur junction road, Manapparai, Trichy District, by considering the representation dated 30.09.2022 made by the Petitioner in that regard.



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3. The Second Respondent has filed a memo dated 20.02.2023 stating as follows:-

“1) It is submitted that the Petitioner was granted license to sell snacks and collect waste bottles from the Bar attached to the TASMAL Shop No. 10331 situated at Manapparai- Sevalur Junction Road, Manapparai, Trichy District. Under the said license he had deposited a security deposit of Rs. 2,51,600/-. The period for the said license was 2 years and was due to expire on 30.09.2021. The Petitioner operated under the said license until 2021. The TASMAL Corporation had granted an extension of license by 3 months to the Petitioner and therefore the license granted to the Petitioner expired on 31.12.2021.

2) It is submitted that total license fee payable by the Petitioner as on December 2021 is Rs. 16,47,610/-. As against the same, the Petitioner has paid an amount of Rs. 15,09,250/-. The balance payable by the Petitioner is Rs. 1,38,360/- which is the license fee payable for the month of December 2021. The interest applicable on the said amount as on date is Rs. 33,470/-. The Petitioner was also required to pay GST on the license fee payable to TASMAL



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Corporation which as on December 2021 come to be about Rs. 2,93,604-being the applicable GST on 99% of the license fee ie. 99% of Rs. 16,47,610-being Rs. 1631,134 The total amount payable by the Petitioner including GST, interest and pending license fee is Rs. 4,65,434/-."

Sl.No	Particulars	TASMAC Shop No.10331
1.	Security Deposit	Rs. 2,51,600/-
2.	Period of License	2 years 3 months (October 2019 – December 2021)
3.	Unpaid license fee	December 2021 – Rs. 1,38,360/-
4.	GST payable	Rs. 2,93,604/-
5.	Interest on unpaid license fee	Rs. 33,470/-
	Total Due	Rs. 4,65,434/-
	Adjustment after deducting security deposit amount	Rs. 2,13,834/-

It is evident from the said memo that as against the sum of Rs. 2,51,600/-, the liabilities of the Petitioner towards the TASMAC Corporation amounting to Rs. 4,65,434/- have been partly adjusted and the balance amount of Rs. 2,13,834/- is remaining due. In such circumstances, the question of directing the Respondents to refund the security deposit does not arise for consideration.



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In fine, the Writ Petition is dismissed. No costs.

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21.02.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes /No

PKN

Note: Issue copy of the order by 22.02.2023

To

1. The District Collector,
Trichy District, Trichy.
2. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC), BHEL Nagar, Thuvakudi,
Trichy.



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P.D. AUDIKESAVALU, J.

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