



WEB COPY

W.P.No.1062 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.1062 of 2024

and

W.M.P.Nos. 1123 & 1124 of 2024

Vinai Electric Company
Rep. By its Partner,
Mr.Larance Periyannayagam,
No.4/123, 1st Street,
Balaji Nagar,
Koluthuvanchery,
Chennai – 602 101

.. Petitioner

VS

TANGEDCO,
Rep. By its Chief Engineer,
Materials Management,
4th Floor, NPPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of the respondent in Notices issued by the respondent dated 22.04.2021 in Lr.No.CE/SE/MM-II/EEDT/AEE2 P.O.No. 84/09.05.16/D.No:128/21 and dated 17.10.22 in Lr.No.CE/SE/ME-II/EEDT/AEE2/P.O.NO.84/09.05.16/D.No:3092/22 and to quash the same.

For Petitioner : Mr.J.Srinivasa Mohan

For Respondent : Mr.J.Ravindran,
Additional Advocate General
assisted by
Mr.D.Arun Kumar
Standing Counsel



W.P.No.1062 of 2024

ORDER

WEB COPY

The petitioner has challenged the show-cause notice dated 22.04.2021 alleging that there was violation of terms and conditions of the purchase order placed on the petitioner for supply of 253 Nos. of 100 KVA/11KV/433V three star rated distribution transformers. The present writ petition has been instituted on 11.01.2024.

2. The petitioner had, by letter dated 03.05.2021, sought certain particulars from the respondent as well as details of the test report and how the transformers had been tested.

3. There was exchange of communications thereafter between the parties and subsequently show-cause notice was issued again on 17.10.2022, which is the subject-matter of this writ petition.

4. The petitioner has, in fact, given a reply to the show-cause notice on 18.11.2022. Hence, it is for the petitioner to cooperate with the authorities and respondent to hear the petitioner and pass a reasoned order in accordance with the tender conditions as well as in accordance with law.

5. It is the case of the petitioner that the challenge is strictly confined to the question of assumption of jurisdiction by the



W.P.No.1062 of 2024

respondent since no show-cause notice is liable to have been issued, at the first instance, beyond the guarantee period of 13 months.

6. Let the above aspect be specifically looked into by the respondent as a preliminary question. If the respondent agrees with the submissions of the petitioner, there the matter will end. If the preliminary issue is overcome by the respondent by way of a reasoned order, he is thereafter at liberty to pass a final order and thereafter proceed with the matter in accordance with law.

7. This writ petition stands disposed in terms of this order. No costs. Connected miscellaneous petitions are closed. W.M.P.No.5063 of 2024 is closed in terms of this order.

26.02.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To
The Chief Engineer,
TANGEDCO,
Materials Management,
4th Floor, NPPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.



WEB COPY



W.P.No.1062 of 2024

DR. ANITA SUMANTH,J.

ssm

W.P.No.1062 of 2024

26.02.2024