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W.P.No.9592 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

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THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.9592 of 2021 and
W.M.P.No.10219 of 2021

Sri Balaji Fish Seeds

Represented by its proprietor v.Lakshmi Priya

... Petitioner

Vs.

1. The Commissioner of Fisheries,
TamilNadu Fisheries Department,
3rd Floor, Integrated Animal Husbandry and Fisheries Building,
Nandanam, Chennai-35.

2. The Assistant Director of Fisheries,
Kancheepuram District,
2/601, ECR Road,
Nellankarai,
Chennai-600 115.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing the respondents to pay a sum of Rs.24,58,240/- towards the supply of fish seeds based on the supply order dated 08.01.2020 issued by the 2nd Respondent herein and covered under the bill Nos.553 dated 01.02.2020, 554 dated 13.02.2020 and 555 dated 05.03.2020 by considering the petitioner's representation dated 31.03.2021, together with interest thereon at 18% from the date on which the amount is due.



W.P.No.9592 of 2021

For Petitioner : Mr.M.Santhanaraman
for
M/s.J.Tamilselvi

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

This writ petition has been filed for direction directing the respondents to pay a sum of Rs.24,58,240/- towards supply of fish seeds based on the supply order dated 08.01.2020 and covered under the bills dated 01.02.2020, 13.02.2020 and 05.03.2020.

2. The 2nd respondent issued procurement notice dated 23.10.2019 requesting for quotations, for supply of live fresh water fish seeds of Catla, Rohu, Mirgal, common Karp and Grass Karp based on the terms and conditions. The quotations submitted by the petitioner was accepted by the 2nd respondent and the petitioner was issued with supply order 18.01.2020 for effecting supply of 33.8 lakhs fish seeds at the unit rate of 0.92 totalling for Rs.31,09,600/-. The delivery period is 90 days from the date of issue of the supply order. Pursuant to the said supply order, the petitioner effected supply of fish seeds on 01.02.2020, 13.02.2020 and 05.03.2020 and supplied



W.P.No.9592 of 2021

26,72,000/- fish seeds and raised bill to the tune of Rs.24,58,240/- The remaining fish seeds were not supplied. As per the information received from the respondent, though the petitioner had supplied fish seeds, the petitioner was not yet settled with any amount so far. Therefore, the petitioner submitted representation to the respondents.

3. On perusal of the counter affidavit filed by the first respondent, revealed that one of the competitor who was unsuccessful, in the supply order issued in favour of the petitioner, filed writ petition before this Court in W.P.No.3178 of 2020 challenging the supply order issued in favour of the petitioner. However, this Court passed an order dated 19.04.2023 and closed the said writ petition on the ground that the supply order itself was granted in favour of the petitioner and the matter was referred to Vigilance and Anti-Corruption in respect of the fraud played by the petitioner herein. On receipt of the representation submitted by the petitioner, the petitioner was issued with show cause notice dated 10.06.2021 for appearance of the petitioner along with all necessary documents. However, the petitioner had submitted only few documents and has not submitted full fledged documents as requested by the first respondent. Further, specific case of the first respondent is that upon



W.P.No.9592 of 2021

scrutinizing all the details found that the procurement officer/Assistant Director of Fisheries who had served at the time of supply has not counter signed the bills immediately after stocking the seeds and hence the procurement officer/Assistant Director of Fisheries, Kancheepuram and Assistant Director of Fisheries, Sirkali along with Inspector of Fisheries, Chengalpattu were also suspended for poor stocking and not certifying the bills on the date of receipt itself. Further, in the same year i.e., 2019-2020, the petitioner firm had not supplied 30 lakh fish seeds in time for Lower Pennaiyar sub-basin in Villupuram District. Now, the enquiry is pending in respect of the supply of fish seeds by the petitioner since it didn't supply the required seeds. Further, the disbursement of payment is only based on the out come of the detailed enquiry. Since with six lorries only 9 lakhs fish seeds could be transported. However, the petitioner supplied fish seeds of about 26.72 lakhs in these trucks. Now, the enquiry is under progress.

4. In view of the above, the first respondent is directed to issue fresh notice to the petitioner and after giving opportunity of hearing to the petitioner pass orders on merits in accordance with law in respect of the bills raised by the petitioner within a period of twelve weeks from the date of receipt of copy of this order.



W.P.No.9592 of 2021

WEB COPY

5. With the above direction, this writ petition is disposed of.

Consequently, connected miscellaneous petition is closed. No costs.

20.06.2024

Index : Yes/No

Speaking/Non-speaking Order

Neutral Citation : Yes/No

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To

1. The Commissioner of Fisheries,
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2. The Assistant Director of Fisheries,
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WEB COPY



W.P.No.9592 of 2021

G.K.ILANTHIRAIYAN, J.
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W.P.No.9592 of 2021

20.06.2024