



W.A.No.1206 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A.No.1206 of 2024

Vinai Electric Company

By its Partner Mr.Larance Periyannayagam

No.4/123, 1st Street, Balaji Nagar

Koluthuvancherry, Chennai – 602 101.

..

Appellant

Vs.

TANGEDCO

By its Chief Engineer

Materials Management

4th Floor, NPPKRR Maaligai

144, Anna Salai, Chennai – 600 002.

..

Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order in W.P.No.1062 of 2024 dated 26.02.2024.

For the Appellant : Mr.J.Srinivasa Mohan

For the Respondent : Mr.D.R.Arun Kumar



W.A.No.1206 of 2024

WEB COPY

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.J.Srinivasa Mohan, learned counsel for the appellant
and Mr.D.R.Arun Kumar, learned counsel for the respondent.

2. The appellant filed a writ petition challenging the show-cause notices issued by the respondent to the appellant. The learned Single Judge disposed of the writ petition by issuing certain directions.

3. The learned counsel for the appellant submits that the respondent cannot be a judge in its own cause. The show-cause notice dated 22.04.2021 was issued after the expiry of the guarantee period. After the expiry of the guarantee period, the respondent does not have any right to issue the show-cause notice. The second show-cause notice was issued on 17.10.2022. The appellant approached the court assailing the jurisdiction of the respondent in issuing the show-cause notices. The learned Single Judge failed to consider the said aspect.



W.A.No.1206 of 2024

WEB COPY

4. The respondent has alleged breach of contract. The notices issued to the appellant are on the premise that there is a violation of the terms and conditions of the purchase order. Explanation was sought from the appellant. The matter is in the realm of a contract between the parties. The learned Single Judge has entertained the writ petition and directed the respondent to look into the objections raised by the appellant as a preliminary issue.

5. The learned Single Judge has not committed any error while passing the impugned order. The writ appeal, as such, stands disposed of. There shall be no orders as to costs. Consequently, C.M.P.No.8789 of 2024 is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)
16.04.2024

Index : Yes/No
Neutral Citation : Yes/No

drm

Page 3 of 5



WEB COPY

To

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



W.A.No.1206 of 2024



WEB COPY



W.A.No.1206 of 2024

THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

(drm)

W.A.No.1206 of 2024

16.04.2024