



W.P.No.23546 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.23546 of 2024

V.Venkatesh

...Petitioner

Vs.

The Deputy Material Manager,
Souther Railway,
O/o. Principal Chief Material Manager,
Ayanavaram, Chennai – 600 023.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to consider and dispose the representation made to the respondent by the petitioner dated 01.03.2024 on merits in accordance with law within time frame.

For Petitioner : Mr.R.Krishnamurthy

For Respondent : Mr.S.Janarthanan

ORDER



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This Writ petition has been filed by the petitioner seeking direction to the respondent to consider the petitioner's representation dated 01.03.2024 and dispose of the same within the time frame fixed by this Court.

2. Mr.S.Janarthanan, learned counsel takes notice on behalf of the respondent. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner is running a Scrap business under the name and style of Mega Star Traders in Avadi, Chennai. The petitioner participated in the tender issued by the respondent dated 15.09.2023 and pursuant to the direction of the respondent, the petitioner had deposited a sum of Rs.6,29,333/- towards EMD. While so, due to the certain GST issues of the petitioner, the respondent has not permitted the petitioner to participate in the E-Auction tender, however, the respondent failed to refund the EMD of R.6,29,333/- deposited by the petitioner. Thereby, the petitioner made several representations to the respondent



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seeking return of the EMD and the last representation made by the petitioner was on 01.03.2024, which evoked no response. Hence, the petitioner has come up with the present Writ petition.

4. Though very many grounds have been raised, the learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the respondent to consider the petitioner's representation dated 01.03.2024 and to consequently refund the sum of Rs.6,29,333/- deposited by the petitioner towards EMD along with reasonable interest.

5. Learned counsel appearing for the respondent submitted that, the petitioner's representation dated 01.03.2024 will be considered in terms of the tender conditions and appropriate orders will be passed in accordance with law within the time stipulated by this Court.

6. In view of the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, directs the respondent to consider the petitioner's representation dated



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01.03.2024 on merit and in accordance with law and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner.

7. With the above direction, this Writ petition stands disposed of. No costs.

19.08.2024

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

The Deputy Material Manager,
Souther Railway,
O/o. Principal Chief Material Manager,
Ayanavaram, Chennai – 600 023..

M.DHANDAPANI, J.

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