



W.P.No.12837 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 09.04.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M/s.Naga Electrical Industries,
Rep. by its Proprietor,
Mr. Manivasagam,
Having office at No.3/68,
Opp. SIDCO Industrial Estate,
Thelichathanallur,
Paramagudi Taluk,
Ramnad District - 623 707.

.... Petitioner

versus

The Superintendent Engineer,
Office of the Superintendent Engineer,
Udumalpet Electricity Distribution Circle,
Thirupur Road,
Udumalpet - 642 126.

... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in Lr.No.SE/UEDC/UDT/AEE/AE/M1/LPO No.04/2024-25/D59/25, dated 15.02.2025 and quash the same and consequently direct the respondent to give a permission to take into stock for supplied materials as per the specification in the tender or direct the respondent to pay the entire loss to the petitioners company the concerned officials may be punished for their mistakes.



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For Petitioner :Mr.A.Kumanaraja
For Respondents :Mr.M.Suresh Kumar, AAG, for R1,
Assisted by Mr.L.Jaivenkatesh.

ORDER

The writ petition is filed challenging the impugned order dated 15.02.2025.

2. Upon perusing the impugned order, the following direction is issued to the petitioner.

“But the weight of material supplied at Udumalpet Central stores by you is 265.20kgs which is -5.08% less than the required weight. Further the weight of material supplied at Central stores South Coimbatore is 265.88Kgs which is -4.83% less than the required weight.

Hence, the total 300 Sets of DP Structure materials supplied by you are hereby rejected. Hence, you are requested to take expeditious action to replace the above item within 10 days from the date of receipt of this letter, failing which the said PO will be cancelled without any further



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correspondence and action will be taken as per clause of V of annexure to the P.O”

3. The Learned Counsel for the petitioner would submit that the goods were supplied after approval by the Expert Committee. After approval and when the petitioner had taken steps and supplied the goods, now belatedly the petitioner cannot be asked to take back.

4. It can be seen that the weight is categorically mentioned in the work order and in the Tender conditions. Therefore, the petitioner supplies goods which are underweight, which is -5.08% less and -4.83% less, than the respondents will be right in asking the petitioner to replace the goods. Merely because, on some prior occasions one or two goods have been admitted which were also of lesser weight, will not give any right to the petitioner to perpetuate the underweight goods on the respondents. Even if there is any mistake that had happened in the past, the respondents should only review the same and take action in accordance with law.

5. I do not find any grounds to interfere in the impugned order. It is



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for the petitioner to comply with the final notice as required by the respondents or the petitioner still contends that his goods are of appropriate quality, then allow the respondents to pass the final orders and if he wants any compensation, he has to approach only the Civil Court if any contract terms is violated.

6. Therefore, finding no grounds to interfere with the impugned order.

This writ petition stands disposed of. There shall be no order as to costs.

09.04.2025

Neutral citation:No.
bsm

To,
1. The Superintendent Engineer,
Office of the Superintendent Engineer,
Udumalpet Electricity Distribution Circle,
Thirupur Road,
Udumalpet - 642 126.

2. The Government Pleader, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY,J.

bsm

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