



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

WP No. 28549, 28554, 25927, 26398, 26077, 26230, 27305
& 26236 of 2023

and WMP Nos.25358, 25494, 25629, 25815, 25635 & 26735 of 2023

W.P.No.28549 of 2023

M/s.Nitish Industries
Rep. By Its Proprietor
No 96, Suramangalam Main Road,
Salem 638 009

Petitioner

VS.

1. The Union Of India
Rep by its Secretary,
Department of Civil Supplies Union Territory of Puducherry,
Puducherry 605 001.

2.The Puducherry Agro Products
Food and Civil Supplies Corporation Limited,
Rep. by its Managing Director,
Agricultural Complex, Thattachavady, Puducherry 605 009.

3.The Department of Civil Supplies and Consumer Affairs,
Puducherry
Rep by its Director



Thattanchavady, Puducherry 605 009

Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd Respondent to pay the sum of Rs 30,13,048.35 (Rupees Thirty Lakhs Thirteen Thousand and Forty Eight and Paise Thirty Five only) as per the order of this High Court in W.P. No.16346 of 2020 dated 22.02.2021.

W.P.No.28554 of 2023

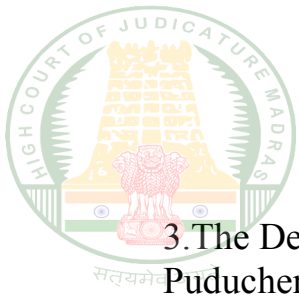
M/s R.P Sarathy Industries
Rep. By Its Proprietor
B. Nitish Harihar
No 96, Suramangalam Main Road,
Salem 638 009

Petitioner

vs.

1. The Union Of India
Rep by its Secretary,
Department of Civil Supplies Union Territory of Puducherry,
Puducherry 605 001.

2.The Puducherry Agro Products
Food and Civil Supplies Corporation Limited,
Rep. by its Managing Director,
Agricultural Complex, Thattachavady, Puducherry 605 009.



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3. The Department of Civil Supplies and Consumer Affairs,
Puducherry

Rep by its Director

Thattanchavady, Puducherry 605 009

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd Respondent to pay the sum of Rs.31,08,739.50 (Thirty One Lakh Eighty Thousand Seven Hundred Thirty Nine an Paisa Fifty only) as per the order of this High Court in W.P. No.16343 of 2020 dated 22.02.2021.

W.P.Nos.28549 & 28554 of 2023

For Petitioner(s) : Mr.M. Rajasekar

For Respondent(s) : Mr.V.Vasanthakumar
Additional Government Pleader
for R1 to R3

W.P.No.25927 of 2023

M/s Jayam Traders
Regd. Proprietorship Firm
Represented by its Sole Proprietor
V.Karthikeyan
S/o T. Vaithyalingam
No 30, Chinnayanpet Main Road
Rajive Gandhi Nagar,
Saram Puducherry 605 013

Petitioner



VS.

WEB COPY

1. The Chief Secretary
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

2. The Finance Secretary
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

3. The Secretary To Government
Food and Civil Supplies Department,
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

4. The Managing Director
Puducherry Agro Products,
Food and Civil Supplies Corporation Limited
Agricultural Complex, Thattanchavady,
Puducherry - 605 009

Now Camp at
Office of the Director
Department of Civil Supplies and Consumer Affairs
Puducherry, Thattanchavady Puducherry 605 009.

5. The Director
Department of Civil Supplies and Consumer Affairs,
Puducherry, Thattanchavady,
Puducherry 605 009

Respondents



WEB PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay agreed pending due amount a sum of Rs.16,80,914/- as per the confirmation of due letter Ref. No. 7-14 /PAPSCO / 2017-2018 dated 31.07.2019 issued by the 4th respondent to the petitioner, further considering the petitioner's representation dated 09.09.2021 together with appropriate interest till the date of disbursement of entire payment of, due within the time limit as this court deem fit and for consequential orders.

W.P.No.26398 of 2023

M/s Global Beverages Inc
Regd. Partnership Firm
Rep by its Managing Partner
S.Ganesan, S/o. S.A. Swaminathan
No-58/2 Pondy Villupuram Main Road,
Villiyannur, Puducherry-605 013.

Petitioner

vs.

1. The Chief Secretary
Chief Secretariat Government Of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001



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2. The Finance Secretary
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town,
Puducherry 605 001

3. The Secretary To Government
Food and Civil Supplies Department,
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town,
Puducherry 605 001

4. The Managing Director
Puducherry Agro Products,
Food and Civil Supplies Corporation Limited
Agricultural Complex, Thattanchavady,
Puducherry - 605 009

Now Camp at
Office of the Director
Department of Civil Supplies and Consumer Affairs
Puducherry, Thattanchavady,
Puducherry 605 009.

5. The Director
Department of Civil Supplies and Consumer Affairs,
Puducherry, Thattanchavady,
Puducherry 605 009

Respondents



WEB PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay agreed pending due amount of a sum of Rs.1,49,65,981 /- as per tee confirmation of due letter dated 17.07.2019, issued by the 4th respondent to the petitioner, further considering the petitioner's representations dated 13.09.2021 and 15.07.2022, together with appropriate interest till the date of disbursement of entire payment of due within the time limit as this Court deem fit and for consequential orders.

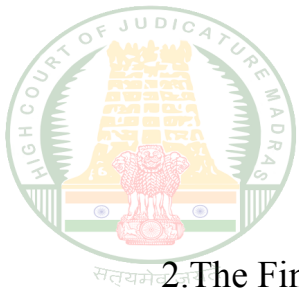
W.P.No.26077 of 2023

M/s Global Beverages Inc
Regd. Partnership Firm
Rep by its Managing Partner
S.Ganesan, S/o. S.A. Swaminathan
No-58/2 Pondy Villupuram Main Road,
Villiyanur, Puducherry-605 013.

Petitioner

vs.

1. The Chief Secretary
Chief Secretariat Government Of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001



2.The Finance Secretary

Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town,
Puducherry 605 001

3.The Secretary To Government

Food and Civil Supplies Department,
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town,
Puducherry 605 001

4.The Managing Director

The Puducherry State Co-op Consumer's Federation Ltd.,
No.P-429, A-38 & A-39 Industrial Estate,
Thattanchavady,
Puducherry - 605 009.

5.The Director

Department of Civil Supplies and Consumer Affairs,
Puducherry, Thattanchavady,
Puducherry 605 009

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay agreed pending due amount a sum of Rs.64,96,109/- as per the confirmation of due letter dated 10.02.2020 issued by the 4th respondent to the petitioner, further considering the petitioner's representations dated 18.11.2021 and 15.07.2022 together with



appropriate interest till the date of disbursement of entire payment of due within
the time limit as this Court deem fit and for consequential orders.

W.P.No.26230 of 2023

M/s.Annai and Co
Regd. Partnership Firm
Represented by its Partner
S.Saravanan,
Son of Subramaniam,
No.17 Second Cross
Kaylash Nagar, Lawspet Post,
Puducherry 605 008.

Petitioner

vs.

1. The Chief Secretary
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

2.The Finance Secretary
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town,
Puducherry 605 001

3.The Secretary To Government
Food and Civil Supplies Department,
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town,
Puducherry 605 001



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4.The Managing Director
Puducherry Agro Products,
Food and Civil Supplies Corporation Limited
Agricultural Complex, Thattanchavady,
Puducherry - 605 009

Now Camp at
Office of the Director
Department of Civil Supplies and Consumer Affairs
Puducherry, Thattanchavady Puduherry 605 009.

5.The Director
Department of Civil Supplies and Consumer Affairs,
Puducherry, Thattanchavady,
Puducherry 605 009

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay agreed pending due amount a sum of Rs.99,23,163/- as per the confirmation of due letter Ref.No. 7-14/PAPSCO/ 2017-18 dated 31.1.2018 issued by the 4th respondent to the petitioner, further considering the petitioner's representation dated 30.06.2022 together with appropriate interest till the date of disbursement of entire payment of due within the time limit as this Court deem fit and for consequential orders.



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W.P.No.27305 of 2023

M/s.Ammaa Traders
Regd. Partnership Firm,
Rep. by its General Manager, R.G.Balakrishnan,
S/o. R.Govindan,
No. 20, 6th Cross,
Thanthai Periyar Nagar,
Puducherry 605 005

Petitioner

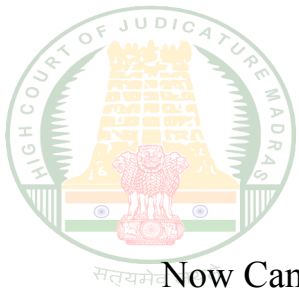
VS.

1. The Chief Secretary
Chief Secretariat Government Of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

2.The Finance Secretary
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

3.The Secretary To Government
Food and Civil Supplies Department,
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

4.The Managing Director
Puducherry Agro Products,
Food and Civil Supplies Corporation Limited
Agricultural Complex, Thattanchavady,
Puducherry - 605 009



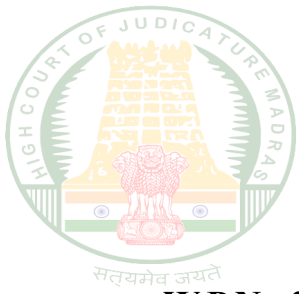
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Now Camp at
Office of the Director
Department of Civil Supplies and Consumer Affairs
Puducherry,
Thattanchavady,
Puduherry 605 009.

5.The Director
Department of Civil Supplies and Consumer Affairs,
Puducherry,
Thattanchavady,
Puducherry 605 009

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay agreed pending due amount a sum of Rs.1,06,53,418/- as per the confirmation of due letter dated 18.01.2019 issued by the 4th respondent to the petitioner, further considering the petitioner's representation dated 08.09.2021 together with appropriate interest till the date of disbursement of entire payment of due within the time limit as this Court deem fit and for consequential orders.



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W.P.No.26236 of 2023

M/s.Global Beverages Inc,
Regd. Partnership Firm,
Represented by its Partner
S.Ganesan, Son of S.A.Swaminathan,
No.58/2 Pondy Villupuram Main Road
Villiyannur, Puducherry 605 013.

Petitioner

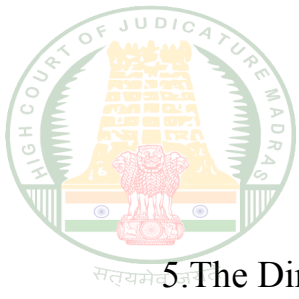
vs.

1. The Chief Secretary
Chief Secretariat Government Of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

2.The Finance Secretary
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

3.The Secretary To Government
Food and Civil Supplies Department,
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

4.The Managing Director
The PASIC Mega Godown,
Puducherry Agro Services and Industrial Corporation Limited
Agro House, Thattanchavady,
Puducherry - 605 009.



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5.The Director

Department of Civil Supplies and Consumer Affairs,
Puducherry, Thattanchavady,
Puducherry 605 009.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay agreed pending due amount a sum of Rs.55,03,643/- as per the confirmation of due letter dated 31.1.2018 issued by the 4th respondent to the petitioner, further considering the petitioner's representation dated 18.11.2021 and 15.07.2022, together with appropriate interest till the date of disbursement of entire payment of due within the time limit as this Court deem fit and for consequential orders.

W.P.Nos.25927, 26398, 26077, 26230, 27305 & 26236 of 2023

For Petitioner(s) : Mr.Mukund
Senior Counsel for
Mr.A.C.Manibharathi

For Respondent(s) : Mr.A.Tamilvanan
Additional Government Pleader
for R1 to R3 & R5

Mr.T.M.Naveen for R4



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ORDER

All these writ petitions have been filed for a direction to respondents to pay the amounts due and payable to the petitioners towards supply of goods made to the Puducherry Agro Products, Food and Civil Supplies Corporation Limited and Puducherry State Cooperative Consumers Federation Limited.

2.The case of the petitioners is that they participated in a tender floated by the Puducherry Agro Products, Food and Civil Supplies Corporation Limited (PAPSCO), in which they were declared as the highest bidders. Pursuant to the award of the tender, the petitioners entered into agreements with the following entities and effected supply of goods of the respective value as tabulated below:

S.No	Name of the Entity	Value of Goods Supplied
1	M/s. Ammaa Traders	Rs. 1,06,53,418/-
2	M/s. Nitish Industries	Rs. 30,13,048.35/-
3	M/s. Jayam Traders	Rs. 16,80,914/-
4	M/s. RP Sarathy Industries	Rs. 31,08,739.50/-
5	M/s. Global Beverages Inc.	Rs. 64,96,108.50/-
6	M/s. Annai & Co.	Rs. 99,23,163.21/-



S.No	Name of the Entity	Value of Goods Supplied
7	M/s. Global Beverages Inc.	Rs. 1,49,65,981/-
8	M/s. Global Beverages Inc.	Rs. 55,03,643/-

3.The particulars of the period during which the goods were supplied and amount that is due and payable to each petitioner is tabulated hereunder:

S.No	WP No.	Tender for Highest Bidder	Tender Particulars	Period during which goods were supplied	Total Amount due and payable
1	27305 of 2023	M/s. Ammaa Traders	IMFL and Beer Products	21.11.2011 to 16.11.2017	Rs. 1,06,53,418/-
2	28549 of 2023	M/s. Nitish Industries	BPT Steam Rice, Ponmani /Idly rice, Mayuri Raw Rice, White Ponni Raw Rice, White Ponni Boiled Rice, ADT-39 Boiled Rice, Chinna Ponni Boiled Rice, White Ponni Raw Idysal, Ponni Boiled Idisal, IR 20 Raw Rice, Black Ellu (sesame till), White Ellu	11.09.2017 to 14.10.2017	Rs. 30,13,048.35/-



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S.No	WP No.	Tender for Highest Bidder	Tender Particulars	Period during which goods were supplied	Total Amount due and payable
			(sesame till), Jaggery (free from moisture), Wheat, Rava (Sooji - packed in 1 Kg)		
3	25927 of 2023	M/s. Jayam Traders	Refined Sunflower Oil, Vanaspathy	18.09.2017 to 31.03.2019	Rs. 16,80,914/-
4	28554 of 2023	M/s. RP Sarathy Industries	Toor Dhall, Gram Dhall(Both), Orid full, Moong Dhall(split), Mysore Dhall, Black Mosamtric (Big), White Mosamtric (Big), Soya Beans, Green Peas, White Peas, Mochai, Karamani, Kollu (Horsegram), Toor Dhall (14,000 Kgs), Black Mosamtric (12,500 Kgs)	11.09.2017 to 14.10.2017	Rs. 31,08,739.50/-
5	26077 of 2023	M/s. Global Beverages Inc.	IMFL Beverages Products	as on 08.02.2019	Rs. 64,96,108.50/-
6	26230 of 2023	M/s. Annai & Co.	Toor Dhall, Gram Dhall, Orid Full, Jaggery, Black	as on 23.01.2018	Rs. 99,23,163.21/-



S.No	WP No.	Tender for Highest Bidder	Tender Particulars	Period during which goods were supplied	Total Amount due and payable
			Gram Dhall, Green Gram polished, Chilies, Rice Ponni, Tea, Corriander, Uridhall Ball, Tamarind, Dry Garlic, Chilly, Vegetable Oil, etc.		
7	26398 of 2023	M/s. Global Beverages Inc.	IMFL Beverages Products	as on 31.03.2019	Rs. 1,49,65,981/-
8	26236 of 2023	M/s. Global Beverages Inc.	IMFL Beverages Products	as on 21.02.2020	Rs. 55,03,643/-

4.The petitioners have sought for the payment of the principal amount along with interest. Since according to the petitioners, there is absolutely no dispute with regard to the amount payable to the petitioners.

5.Individual counter affidavits have been filed in all these writ petitions. The respondents are questioning the maintainability of these writ petitions on the ground that the petitioners have an effective alternative remedy by means of initiating arbitration proceedings and in case any award is passed, it can be only



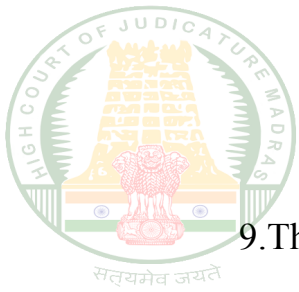
executed as a Decree and therefore, this Court must not exercise its jurisdiction

under Article 226 of the Constitution of India.

6.The learned Additional Government Pleader appearing on behalf of respondents also submitted that both the Corporations are in serious financial crisis and already steps have been taken for liquidation. Therefore, the respondents are not in a position to repay back the money claimed by the petitioners.

7.This Court has carefully considered the submissions made on either side and the materials available on record.

8.It is quite evident from the materials placed before this Court that there is absolutely no dispute in the amount due and payable to the petitioners. In fact, in one of the cases, the matter reached the Apex Court in the case of M/s.Balaji Enterprises and the Apex Court directed the Corporation to pay the principal amount and waived the interest.



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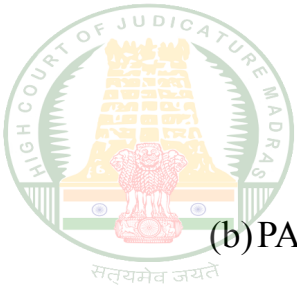
9. The judgements relied upon by the learned Additional Government Pleader appearing on behalf of the respondents are cases where there are disputed amounts and which involves disputed questions of fact. Under such circumstances, a writ petition is not maintainable. However, just because there is an arbitration clause available, that by itself is not a bar to entertain a writ petition and the law on this issue is now too well settled.

10. The amount that is payable to each of the petitioner are is an undisputed amounts and therefore, there is no need for the petitioners to go before the Arbitral Tribunal and workout their remedy. However, considering the fact that the Corporations are in financial doldrums, this Court deems it fit to direct the Corporation to pay the principal amount to each of the petitioners.

11. In the light of the above discussion, these writ petitions are disposed of in the following terms:

(a) PAPSCO is directed to pay a sum of Rs. 1,06,53,418/- to the Petitioner in

WP No. 27305 of 2023



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(b) PAPSCO is directed to pay a sum of Rs. 30,13,048/- to the Petitioner in WP

No. 28549 of 2023

(c) PAPSCO is directed to pay a sum of Rs. 16,80,914/- to the Petitioner in WP

No. 25927 of 2023

(d) PAPSCO is directed to pay a sum of Rs. 31,08,739.50/- to the Petitioner in

WP No. 28554 of 2023

(e) PAPSCO is directed to pay a sum of Rs. 64,96,108.50/- to the Petitioner in

WP No. 26077 of 2023

(f) PAPSCO is directed to pay a sum of Rs. 99,23,163.21/- to the Petitioner in

WP No. 26230 of 2023

(g) PAPSCO is directed to pay a sum of Rs. 1,49,65,981/- to the Petitioner in

WP No. 26398 of 2023

(h) PAPSCO is directed to pay a sum of Rs. 55,03,643/- to the Petitioner in WP

No. 26236 of 2023

12. It is made clear that the principal amount shall be paid to the petitioners in each of the petition, within a period of six weeks from the date of receipt of copy of this order, failing which it will carry an interest at the rate of 7.5% per annum



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from the date on which the amount is due and payable till the date of settlement of the entire amount. No Costs. Consequently, connected miscellaneous petitions are closed.

29.07.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
SSR

To

1. The Secretary,
Union Of India
Department of Civil Supplies Union Territory of Puducherry,
Puducherry 605 001.
2. The Managing Director,
Puducherry Agro Products
Food and Civil Supplies Corporation Limited,
Agricultural Complex, Thattachavady, Puducherry 605 009.
3. The Director
Department of Civil Supplies and Consumer Affairs,
Puducherry,
Thattanchavady, Puducherry 605 009



WEB COUNCIL

4. The Chief Secretary

Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

5. The Finance Secretary

Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

6. The Secretary To Government

Food and Civil Supplies Department,
Chief Secretariat Government of Puducherry
Goubert Avenue, Beach Road,
White Town, Puducherry 605 001

7. The Managing Director

Puducherry Agro Products,
Food and Civil Supplies Corporation Limited
Agricultural Complex, Thattanchavady,
Puducherry - 605 009

8. The Managing Director

The Puducherry State Co-op Consumer's Federation Ltd.,
No.P-429, A-38 & A-39 Industrial Estate,
Thattanchavady, Puducherry - 605 009.



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N.ANAND VENKATESH J.

SSR

WP No. 28549, 28554, 25927, 26398,
26077, 26230, 27305 & 26236 of 2023
and
WMP Nos.25358, 25494, 25629,
25815, 25635 & 26735 of 2023

29.07.2025