



WEB COPY

WP No. 19557 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

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THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 19557 of 2023

AND

WP NO. 19604 OF 2023, WP NO. 19561 OF 2023, WP NO. 19564 OF 2023, WP NO. 19605 OF 2023, WP NO. 19602 OF 2023, WP NO. 19599 OF 2023, WP NO. 19609 OF 2023, WP NO. 19565 OF 2023

Elgi Rubber Company Limited,
Super A Unit,
Coimbatore Private Industrial Estate,
Kurichi, Coimbatore 641 021.
Rep By Its Authorised Signatory

Petitioner in all W.Ps

Vs

1.The Director Cum Nodal Officer,
Institute Of Road Transport,
100 Feet Road, Taramani,
Chennai 600 113.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Coimbatore Limited, Coimbatore 641 043.

Respondents
in W.P.No.19557 of 2023

1.The Director Cum Nodal Officer,
Institute Of Road Transport,
100 Feet Road, Taramani,
Chennai 113.



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2. The Managing Director,
Tamil Nadu State Transport Corporation
Villupuram Ltd.,
Post Box No. 56, Villupuram 605 602.

Respondents in
WP No. 19604 of 2023

1. The Director Cum Nodal Officer,
Institute Of Road Transport,
100 Feet Road, Taramani,
Chennai 600 113.

2. The Managing Director,
Tamil Nadu State Transport
Corporation, Villupuram Limited Post
Box No. 56, Villupuram 605 602.

Respondents
in WP No. 19561 of 2023

1. The Director Cum Nodal Officer
Institute Of Road Transport, 100 Feet
Road, Taramani, Chennai 600 113.

2. The Managing Director,
Tamil Nadu State Transport,
Corproation Salem Limited 12,
Ramakrishna Road, Seerangapalayam
Salem 636 007.

Respondents
in WP No. 19564 of 2023

1. The Director Cum Nodal Officer,
Institute Of Road Transport, 100 Feet
Road, Taramani, Chennai 113.



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2.The Managing Director,
Tamil Nadu State Transport
Corporation Salem Ltd.,
12 Ramakrishna Rd,
Seerangapalayam, Salem 636 007.

Respondents in
WP No. 19605 of 2023

1. The Director Cum Nodal Officer,
Institute Of Road Transport,
100 Feet Road, Taramani,
Chennai 113.

2.The Managing Director,
Tamil Nadu State Transport,
Corporation Coimbatore Ltd.,
Coimbatore 641 043.

Respondents in
WP No. 19602 of 2023

1. The Director Cum Nodal Officer
Institute Of Road Transport, 100 Feet
Road, Taramani, Chennai 113

2.The Managing Director
Tamil Nadu State Transport
Corporation Coimbatore Ltd.,
Coimbatore 641 043

Respondents in
WP No. 19599 of 2023

Vs

1. The Director Cum Nodal Officer
Institute Of Road Transport, 100 Feet
Road, Taramani, Chennai 113



2.The Managing Director
Tamil Nadu State Transport
Corporation Salem Ltd.,
12 Ramakrishna Rd,
Seerangapalayam, Salem 636 007

Respondents
in WP No. 19609 of 2023

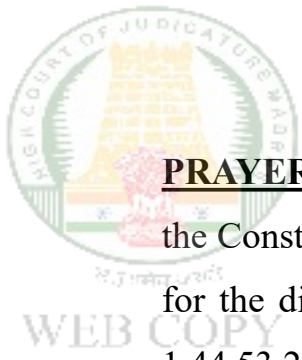
1.The Director Cum Nodal Officer,
Institute Of Road Transport,
100 Feet Road, Taramani, Chennai 600 113.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Limited, Post Box No 56,
Villupuram 605 602.

Respondents
in WP No. 19565 of 2023

PRAYER in WP No. 19557 of 2023:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, directing the Respondents herein to pay the admitted amount of Rs 13,20,693/- (Rupees Thirteen Lakhs Twenty Thousand Six Hundred and ninety three only) due to the petitioner along with interest at the 12 percent p.a.

PRAYER in WP No. 19604 of 2023:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, direction to the respondents herein to pay the admitted amount of Rs. 1,78,918 (Rupees One Lakh Seventy Eight Thousand Nine Hundred and Eighteen only) due to the petitioner along with interest at the 12 percent p.a.



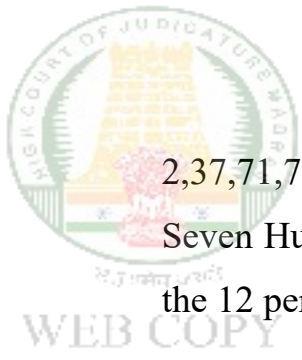
PRAYER in WP No. 19561 of 2023:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, seeking for the direction to the Respondents herein to pay the admitted amount of Rs 1,44,53,210/- (Rupees One Crore Forthty-Four Lakhs Fifty-Three Thousand Two Hundred and Ten only) due to the petitioner along with interest at the 12 percent p.a.

PRAYER in WP No. 19564 of 2023:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, seeking for the direction to the Respondents herein to pay the admitted amount of Rs 66,824/- (Rupees Sixty Six Thousand Eight Hundred and Twenty Four only) due to the petitioner along with interest at the 12 percent p.a.

PRAYER in WP No. 19605 of 2023:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, direction to the respondents herein to pay the admitted amount of Rs. 21,36,802 (Rupees Twenty One Lakhs Thirty Six Thousand Eight Hundred and Two only) due to the petitioner along with interest at the 12 percent p.a.

PRAYER in WP No. 19602 of 2023:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, direction to the respondents herein to pay the admitted amount of Rs. 32,38,393 /- (Rupees Thirty Two Lakhs Thirty Eight Thousand Three Hundred and Ninety Three only) due to the petitioner along with interest at the 12 percent p.a.

PRAYER in WP No. 19599 of 2023:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, direction to the respondents herein to pay the admitted amount of Rs.



2,37,71,796/- (Rupees Two Crore Thirty Seven Lakhs Seventy One Thousand Seven Hundred and Ninety Six only) due to the petitioner along with interest at the 12 percent p.a.

PRAYER in WP No. 19609 of 2023:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, direction to the respondents herein to pay the admitted amount of Rs. 3,95,338 /- (Rupees Three Lakhs Ninety Five Thousand Three Hundred and Thirty Eight only) due to the petitioner along with interest at the 12 percent p.a.

PRAYER in WP No. 19565 of 2023:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, seeking for the direction to the Respondents herein to pay the admitted amount of Rs 11,17,532/- (Rupees Eleven Lakhs Seventeen Thousand Five Hundred and Thirty Two only) due to the petitioner along with interest at the 12 percent p.a.

For Petitioner
in all W.Ps

Mr.Salai Varun

For R1 in all W.Ps

Mr.C.Gauthamaraj

For R2 in
W.P.Nos.19557, 19605,
19602, 19564, 19599 &
19609 of 2023

Mr.L.S.M. Hasan Fizal,

For R2 in
W.P.Nos.19604, 19561 & Standing Counsel
19656 of 2023

Mr.Aswin

**COMMON ORDER**

These writ petitions have been filed seeking to direct the respondents to pay the admitted amounts morefully described in the prayer to these writ petitions, which are due and payable to the petitioner with an interest at the rate of 12% per annum.

2.Learned counsel for the petitioner would submit that the 1st respondent floated a tender dated 26.10.2021 for procurement of pre-cured tread rubber, for supply of Black Vulcanizing Cement and supply of Bonding Gum for a period of six months commencing from 17.12.2021 for the 2nd respondents. The petitioner has participated in the tender and was awarded the tender as evidenced by the order dated 17.12.2021 of the 1st respondent. The petitioner had then furnished the bank guarantee and secured purchase orders from the concerned State Corporations, who are the 2nd respondents herein. As per the contract order dated 17.12.2021, the 2nd respondent should release 90% of the payment to the petitioner within 45 days of delivery and the balance 10% shall be payable after the 2nd respondents have achieved its performance guarantee. However, the 2nd respondents herein have failed to make the payment to the petitioners and withhold the entire payment. Hence, the present writ petition has been filed.



3. Learned respective counsel appearing for the 2nd respondents would submit that the goods supplied by the petitioner are inferior in quality and therefore the 2nd respondents are not liable to pay the amount. However, he would also submit that an arbitration clause is available in the contract agreement and hence, the petitioner can very well invoke the arbitration clause. Instead of invoking the arbitration clause, the petitioner has wrongly approached this Court. Hence, he prayed for dismissal of this writ petition.

4. Heard the learned counsel for the petitioner; learned Government Advocate appearing for the 1st respondent as well as the learned respective counsel appearing for the 2nd respondent.

5. Considering the submissions made by either parties, this Court is of the view that since the 2nd respondents dispute the quality of the goods supplied by the petitioner, such disputed question of fact has to be decided by the consumer forum or the Civil Court. However, as rightly contended by the learned counsel appearing for the 2nd respondents, since an arbitration clause is available in the contract entered between the petitioner and the respondents, the petitioner can very well invoke the arbitration clause to resolve the present dispute.



6. In view of the above, these writ petitions are dismissed with liberty to approach the Civil Court or the Arbitrator by invoking the arbitration clause entered between the parties in their contract agreement. No costs.

12-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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Chennai 600 113.

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Tamil Nadu State Transport Corporation,
Coimbatore Limited, Coimbatore 641 043.

3. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Ltd., Post Box No. 56,
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4. The Managing Director,
Tamil Nadu State Transport Corporation,
Salem Limited 12, Ramakrishna Road,
Seerangapalayam, Salem 636 007.



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KRISHNAN RAMASAMY J.

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