



W.P.(MD)No.3032 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2026**

CORAM

THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.3032 of 2024

C.Thumbanayagam

...Petitioner

vs.

1. The Chairman,
Tamilnadu Transmission Corporation,
No.144, Anna Salai,
Chennai.
2. The Chief Engineer,
General Construction Circle,
TANTRANSCO,
Trichirapalli.
3. The Superintending Engineer,
General Construction Circle,
TANTRANSCO,
Mannarpuram,
Trichy.
4. The Assistant Engineer,
Transmission Line Construction,
Villupuram.
5. The Assistant Executive Engineer,
Transmission Line Construction,
Villupuram.

...Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to refund the EMD amount, Security Deposit amount and penalty paid by the petitioner in respect of K2 Agreement No.123/ACE/GCC/TRY/2019-2020 totalling Rs. 2,08,731/- along with interest at 18% per annum forthwith.

For Petitioner : Mr.S.Vinayak

For Respondents : Mr.S.Deenadhayalan

ORDER

This Writ Petition has been filed to direct the respondents to refund the EMD amount, Security Deposit amount and penalty paid by the petitioner in respect of the K2 Agreement No.123/ACE/GCC/TRY/2019-2020 totalling Rs.2,08,731/- along with interest at the rate of 18% per annum forthwith.

2. The learned counsel appearing for the petitioner would submit that, in the present case, already the fourth respondent has recommended the fifth respondent to refund EMD amount, Security Deposit amount and penalty paid by the petitioner. Now, the fifth respondent is supposed to approve the same and after such approval, the third respondent has to pass final orders. In this regard, the petitioner has submitted a representation on 23.06.2022 and the same is yet to be considered. Hence, the present Writ Petition.



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3. The learned counsel appearing for the respondents referred to the recommendation made by the fourth respondent to the fifth respondent and would submit that it is a recommendation made by a lower authority to a superior authority and based on the said recommendation, the fifth respondent cannot take further action. He therefore, prayed for appropriate orders.

4. I have given due consideration to the submissions made on either sides.

5. Based on the recommendation made by the fourth respondent to the fifth respondent, the petitioner made a representation on 23.06.2022 to refund EMD amount, Security Deposit amount and penalty paid by him. However, the said representation is not considered till date. In the present case, there is no dispute on the aspect that the fourth respondent has made a recommendation to the fifth respondent. However, the said recommendation is made by the lower authority to the superior authority. Under such circumstances, it is up to the fifth respondent whether or not to approve the said recommendation. In the event, if the fifth respondent is rejecting the recommendation of the fourth respondent, the authority has to provide reasons for doing so. However, till date, no orders have been passed on the



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recommendation made by the fourth respondent. Further, it appears that subsequent to the approval of the fifth respondent, third respondent is supposed to pass final orders. Under such circumstances, this Court directs the respondents 3 and 5 to consider the petitioner's representation dated 23.06.2022 and refund the EMD amount, Security Deposit amount and penalty paid by the petitioner, based on the recommendation of the fourth respondent, if it is otherwise in order, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. At this juncture, the learned counsel appearing for the respondents would submit that, in the present case, the veracity of the recommendation made by the fourth respondent is not known and seeks time to file counter.

7. This Writ Petition is of the year 2024. On 12.02.2024, when this matter was taken up for hearing, this Court granted time to the respondents to file counter. For more than one year, the respondents have not chosen to file counter. Such being the case, the respondents cannot now seek time. Anyhow, considering the fact that the petitioner is a senior citizen, this Court is not inclined to keep the matter pending.



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8. Accordingly, with the directions as stated above, this Writ Petition is disposed of. No costs.

30.01.2026

Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

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KRISHNAN RAMASAMY, J.

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