



W.P.(MD)No.9845 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.9845 of 2017

and

W.P.(MD)Nos.7539 and 7540 of 2017

M/s.S.S.P.Agencies,
Rep. by its Managing Partner,
Tmt.S.Poovammal,
W/o.G.Subbiah,
51A/10, Masilamani Nagar,
Tirunelveli - 5.

... Petitioner

-VS-

1.Tamil Nadu Ware Housing Corporation,
Rep. by its Managing Director,
82, Anna Salai, Chennai - 600032.

2.The Regional Manager,
Tamil Nadu Ware Housing Corporation,
Tirunelveli Region, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorari calling for the entire records in connection with the impugned order passed by the first respondent vide proceedings Ref.No.Proc.No.Rc 4019/2015/G1 dated 08.05.2017 and quash the same.



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For Petitioner : Mr.A.Manikandan
For Respondents : Mr.C.Gangai Amaran
Standing Counsel

ORDER

The writ petition has been filed challenging the impugned order dated 08.05.2017.

2. Upon considering the submissions made on either side and perusing the materials on record, it is seen that the petitioner was appointed as the Handling and Transport (H&T) Contractor for the Vellore Warehouse by order dated 18.02.2016 for a period of two years. As per the impugned order, during the subsistence of the contract, it was found that the petitioner Firm had been reconstituted without obtaining the prior written consent of the Corporation, thereby violating Clause 5(i)(2) and Clause IV(d) of the tender conditions. Consequently, a show cause notice was issued on 17.03.2016, to which the petitioner submitted its explanation. Not being satisfied with the same, the first respondent issued a termination order dated 31.08.2016.



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3. Challenging the said termination, the petitioner filed W.P.(MD)No.17336 of 2016, in which an interim order of stay was granted. Pursuant to the same, the petitioner continued to perform its contractual obligations. However, by order dated 28.03.2017, the said writ petition was dismissed. Thereafter, the impugned order came to be passed, stating that in view of the dismissal of the writ petition upholding the termination, the contract awarded on 18.02.2016 stood terminated forthwith from the date of the impugned order.

4. Aggrieved by the same, the present writ petition has been filed. In the meanwhile, the petitioner preferred W.A.(MD)No.1023 of 2017, and the Hon'ble Division Bench allowed the appeal and directed the respondents to clear the pending bills for the work carried out by the petitioner.

5. In view of the above, the impugned order, which was issued subsequent to the order in the earlier writ petition, cannot be sustained in the light of the judgment rendered by the Hon'ble Division Bench.

6. Accordingly, this writ petition is disposed of on the following terms:



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(i) The impugned order dated 08.05.2017 is hereby quashed. Consequently, in terms of the directions issued by the Hon'ble Division Bench in W.A.(MD)No. 1023 of 2017, any pending dues payable to the petitioner shall be settled.

(ii) The learned counsel for the petitioner submitted that the Earnest Money Deposit (EMD) was also forfeited in respect of the Vellore Region and possibly in other regions pursuant to the earlier orders. If such forfeiture was effected solely on account of the order passed in the earlier writ petition and the present impugned order, the same shall be refunded to the petitioner.

(iii) The above exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a web copy of this order, without insisting on a certified copy.

No costs. Consequently, the connected Miscellaneous Petitions are closed.

26.03.2026

To:-

1.The Managing Director,
Tamil Nadu Ware Housing Corporation,
82, Anna Salai, Chennai - 600032.

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2. The Regional Manager,
Tamil Nadu Ware Housing Corporation,
Tirunelveli Region, Tirunelveli.



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D.BHARATHA CHAKRAVARTHY, J.

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