



W.P.(MD) No.17015 of 2023

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 18.02.2026

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.17015 of 2023

and

W.M.P.(MD).No.14251 of 2023

T.N.Kumar,

Proprietor,

Vimal Jothi Agency

... Petitioner

Vs

M/s. Bharath Heavy Electricals Limited,

Represented by

Mr.N.Patchirajapandiyan.

Deputy General Manager / Purchase,

Thirichirappalli-620 014.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the incumbent respondent to disturb the outstanding damages amount of Rs.1,15,25,291.97/- (Rupees One Crore Fifteen Lakh Twenty Five Thousand Two Hundred and Ninety One and Ninety Seven Paise) as on 31st May 2023 as per the Arbitration award passed on 19th October 2019 further directing the incumbent respondent to provide gate pass and entry pass for inspection of the 260 Air condition machineries, removal order to dismantle the Air conditioners as per the common order passed by the Honourable District Judge in Arbitration O.P.No.35/2021 and 93/2021 on 15th October 2022.



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For Petitioner

: Mr.T.G.Ganesh Karthikaman

ORDER

This Writ Petition has been filed seeking a direction to the incumbent respondent to disturb the outstanding damages amount of Rs. 1,15,25,291.97/- (Rupees One Crore Fifteen Lakh Twenty Five Thousand Two Hundred and Ninety One and Ninety Seven Paise) as on 31st May 2023 as per the Arbitration award passed on 19th October 2019 further directing the incumbent respondent to provide gate pass and entry pass for inspection of the 260 Air condition machineries, removal order to dismantle the Air conditioners as per the common order passed by the Honourable District Judge in Arbitration O.P.No.35/2021 and 93/2021 on 15th October 2022.

2.The petitioner is the proprietor of Vimal Jothi Agency. The respondent floated a tender for the supply of 260 air conditioners on a four-year rental basis, in which the petitioner emerged as the highest bidder and entered into a lease agreement dated 17.11.2018. Upon expiry of the lease period, the respondent requested the petitioner to provide maintenance for an additional two years without rental charges.



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Aggrieved by the same, the petitioner initiated arbitration proceedings, and an award was passed directing the respondent to pay arrears up to 30.06.2019 and permitting the petitioner to remove the air conditioners. Since the respondent's premises are under CISF security, entry is restricted without permission or a gate pass. Despite the arbitration award, the respondent failed to grant entry permission. The petitioner thereafter filed O.P. No.35 of 2021 before the Principal District Court, Tiruchirappalli, which permitted removal of the air conditioners subject to certain conditions. Even thereafter, the respondent did not issue the required gate pass, despite a representation dated 10.06.2023. As no action has been taken so far, the present writ petition has been filed.

3. There is no representation on behalf of the respondent.

4. This Court, without expressing any opinion on the merits of the matter, directs the respondent to consider the petitioner's representation dated 10.06.2023 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



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5. Accordingly, the writ petition stands disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

18.02.2026

TSG

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

To

Mr.N.Patchirajapandiyan,
Deputy General Manager / Purchase,
M/s. Bharath Heavy Electricals Limited,
Thirichirappalli-620 014.



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KRISHNAN RAMASAMY, J.

TSG

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