

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.33935 of 2014

and

M.P.No.1 of 2014

M/s.SMPC Industries (India) Limited
rep.by its Director A.R.Mohamed Salaieh
Factory at D-10/N, SIPCOT Industrial
Estate, Karumbukuppam Village
Gummidipoondi 601 201. Petitioner

vs.

1. State Industries Promotion Corporation
of Tamil Nadu rep.by its Principal
Secretary/Chairman and Managing
Director, No.19-A, Rukmani Lakshmipathy
Road, Post Box No.7223, Egmore
Chennai 600 008.
2. The General Manager-II
State Industries Promotion Corporation
of Tamil Nadu, No.19-A, Rukmani Lakshmipathy
Road, Post Box No.7223, Egmore
Chennai 600 008.
3. The Project Manager
SIPCOT Industrial Complex
Gummidipoondi 601 201.
4. M/s.Venkataraman Cylinders Pvt.Ltd.
rep.by its Director Satheesh Kannan
No.24, Panagal Road
Shenoy Nagar, Madurai 625 020. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records relating to the proceedings in Lr.No.DII/SICG/Venkataramana/83/2014 dated 16.12.2014 passed by the first respondent and to quash the same.

For Petitioner : M/s.M.N.Bharathi
For Respondents: Mrs.Sudarshana Sunder
for RR1 to 3
Mrs.R.Anitha for
Mr.S.Ramasamy Law Associates for R4

O R D E R

The above writ petition has been filed praying for the issuance of a writ of certiorari to call for the records relating to the proceedings in Lr.No.DII/SICG/Venkataramana/83/2014 dated 16.12.2014 passed by the first respondent and to quash the same.

2. This petition was referred for mediation to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by the order of this Court, dated 19.12.2014.

3. A communication, dated 02.09.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its Mediation Report, dated 25.08.2015, has been received, and in the said Mediation Report, it is stated as follows:-

" Both the parties and their counsels present. The parties have settled the matter amicably as per the terms cited in the Mediation Agreement which is enclosed herewith. Hence, the matter is placed before the Hon'ble Court."

4. As the parties have arrived at a settlement in terms of the Mediation Agreement dated 25.08.2015, this petition is listed for passing orders in terms of the said Mediation Agreement.

5. The Mediation Agreement, dated 25.08.2015 signed by the parties and their respective counsel, reads as follows:-

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:

1. The 4th respondent M/s.Venkatraman Cylinders P Ltd.agrees to issue consent letter to transfer the lease hold rights and in favour of the petitioner and address a letter in this regard to respondents 1 to 3.

2. The petitioner M/s.SMPC Industries (I) Ltd.agrees to pay a sum of Rs.3,90,00,000/- [rupees three crores and ninety lakhs only) in all towards the full and final settlement of the transaction agreed upon of which the payments will be made at appropriate stages.

a. The initial payment of Rs.1,20,00,000/- [Rupees one crore twenty lakhs only] has already been paid by the petitioner to the 4th respondent out of the total settlement of Rs.3,90,00,000/- [Three crores ninety lakhs only], the receipt of which the 4th respondent hereby acknowledge and confirm.

b. Both the petitioner and the 4th respondent agrees to pay and receive a sum of Rs.1,40,00,000/- [Rupees one crore forty lakhs only] on submission of all documents for approval for transfer of the lease hold rights from the respondent 1 to 3 in favour of petitioner. The petitioner to show his bona fides entrust a cheque for the said sum by way of cheque bearing No.000294 drawn on Karur Vysya Bank, Egmore Branch, Chennai which will be realized by the 4th respondent only on submission of all the documents for approval to the respondents 1 to 3.

c. Both the petitioner and the 4th respondent agrees to pay and receive a balance of total settlement, a sum of Rs.1,30,00,000/- [One crore thirty lakhs only] on receipt of no objection certificate [NOC], from respondents 1 to 3 payment shall be made by the petitioner on or before 25.11.2015 from the date of receipt of NOC show the bonafides the petitioner hereby issue a cheque for Rs.1,30,00,000/- [One crore thirty lakhs only] bearing No.000295 dated 25.11.2015 drawn on Karur Vysya Bank, Egmore Branch, Chennai. The petitioner assures that the cheque will be honoured from the date of NOC in the event of any default, the petitioner agrees for any action taken by the 4th respondent with his records either civil, criminal or otherwise and promise to keep the word to fulfill the contract.

d. Both the petitioner and the 4th respondent agree that there is no claims against each other and no further claims will be made against each other in future.

e. Both the petitioner and the 4th respondent agree to withdraw all the cases, petitions complaints whatsoever pending before any legal F or a, authorities wheresoever without any conditions."

6. In terms of the settlement arrived at between the parties, which is recorded under the Mediation Agreement, dated 25.08.2015 in terms of the Mediation Report, dated 25.08.2015 before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, this petition is disposed of, recording the terms of the Mediation Agreement, dated

25.08.2015. The terms of the Mediation Agreement, the Mediation Report, dated 25.08.2015 of the Mediation Centre shall form part of this order. Consequently, the connected miscellaneous petition is closed.

7. In view of the settlement arrived at between the parties, as a token of appreciation, the petitioner and the fourth respondent volunteered to pay a sum of Rs.25,000/- [Rupees twenty five thousand only] each to the Mediation and Conciliation Centre, High Court, Madras and the same shall be paid within a period of one week from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2
To

1. The Principal Secretary/Chairman and Managing Director, No.19-A, Rukmani Lakshmipathy Road, Post Box No.7223, Egmore Chennai 600 008.
2. The General Manager-II State Industries Promotion Corporation of Tamil Nadu, No.19-A, Rukmani Lakshmipathy Road, Post Box No.7223, Egmore Chennai 600 008.
3. The Project Manager SIPCOT Industrial Complex Gummidipoondi 601 201.
4. The Secretary Mediation and Conciliation Centre, High Court, Madras.

+1cc to Mr.S.Ramasamy, Advocate, S.R.No.47848
+1cc to Mr.S.M.N. Bharathi, Advocate, S.R.No.47598

PUR(CO)
EU(10/09/2015)

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