IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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CASE NO. W.P.No.35331 of 2012

Between:

M/s.Gland Pharma Ltd., Hyderabad

.. Petitioner

and

A.P. Industrial Infrastructure Corporation Limited, Hyderabad and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 12.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment may be marked to Law Reporters/Journals? Yes/No

3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

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THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.35331 of 2012

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12.08.2015

Between:

M/s.Gland Pharma Ltd., Hyderabad

.. Petitioner

and

A.P. Industrial Infrastructure Corporation Limited (A.P.I.I.C.), Hyderabad and another

.. Respondents

Counsel for the petitioner: Mr.T.Balaji

Counsel for the respondents: Mr.L.Prabhakar Reddy, standing counsel for T.S.I.I.C.

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to set aside letter, dated 31.10.2012, of respondent No.2, whereby he has cancelled the allotment of industrial plot to the petitioner.

The respondents have filed a counter-affidavit justifying the impugned letter of cancellation of allotment. However, the necessity of adjudicating on the legality or otherwise of the impugned letter is obviated for the reason that along with the reply-affidavit, the petitioner has filed proceedings, dated 24.10.2013 and 13.02.2015 of respondent No.2. In the first mentioned proceedings, respondent No.2 informed the petitioner that its request for extension of time for implementation of the project in full shape is considered subject to certain conditions mentioned therein, which include withdrawal of the present writ petition. In the latter proceedings, while acknowledging that the petitioner implemented the project, the conditions stipulated in the previous proceedings were modified. Accordingly, with the issue of proceedings, dated 24.10.2013 as modified by proceedings, dated 13.02.2015, the impugned letter, dated 31.10.2012, ceased to be in force and the same is deemed to have been withdrawn.

The learned counsel for the petitioner submitted that having accepted the fact that the petitioner has implemented the project, there is absolutely no justification for respondent No.2 to impose the conditions which are stipulated in proceedings, dated 13.02.2015.

Mr.L.Prabhakar Reddy, learned standing counsel for the

Telangana State Industrial Infrastructure Corporation (T.S.I.I.C.), submitted that as per his instructions, negotiations between the parties with regard to the liability of the petitioner to pay penalty are in progress.

As the validity or otherwise of proceedings, dated 24.10.2013 and 13.02.2015, is not the subject matter of this writ petition, it is not appropriate for this Court to express any opinion on the merits of the same. However, the petitioner is permitted to make a representation to respondent No.2 (Zonal Manager of T.S.I.I.C.) for waiver/reduction of penalties imposed in proceedings, dated 13.02.2015. Upon such representation, respondent No.2 shall consider the same and pass appropriate orders within a period of four weeks thereafter. If the petitioner feels aggrieved by the decision taken by respondent No.2, it shall be free to avail fresh remedy.

Subject to the above observations and direction, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, interim order, dated 15.11.2012, in W.P.M.P.No.44896 of 2012 is vacated and W.P.M.P.No.44896 of 2012 and W.V.M.P.No.1901 of 2013 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

12th August, 2015
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