

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12049 of 2016

M/s. IG3 Infra Limited
(formerly ETL infrastructure Services Ltd.,)
Thoraipakkam Pallavaram 200 feet road,
Thoraipakkam - 600 096
represented by its Chief Executive Officer,
Mr.S.Thiagarajan ... Petitioner

Vs.

The Director/DGP
Fire & Rescue Services,
No.1, Greams Road,
Commercial Taxes Annex Building
Thousand Lights, Chennai - 600 006. ... Respondent

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent authority to grant fire licence to the petitioner's additional premises having stilt plus 11 floors covered by Fire NOC dated 07.02.2011 issued by the respondent authority by processing the petitioner's application dated 01.02.2016 within a time fixed by this Court.

For Petitioner : Mr.S.Thanka Sivan

For Respondent : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with the present Writ of Mandamus directing the respondent to consider the petitioner's representation dated 01.02.2016.

3. The petitioner company formerly known as ETL infrastructure Services Ltd., has set up a Special Economic Zone in the lands comprised in Survey Nos.657, 697, 699, 700, 701, 702 and 703, having a total area measuring about 26 acres in Pallikaranai Village, Tambaram Taluk, Kancheepuram District. The said Special Economic Zone (SEZ) was approved by the Government of India under the Gazette publication dated 11.08.2006. The above premises has been approved as Special Economic Zone under the Central Act 28 of 2005 and the said premises is deemed to be the territory outside customs territory of India and all approvals including planning permission for any development within the Special Economic Zone shall be done by the approval committee constituted under Section 14 of the Special Economic Zone Act 2005. Further, as per the proviso of Section 15 of the Central Act 28 of 2005, the Development Commissioner shall be empowered to discharge the functions and exercise all powers of the approval committee until such team and approval committee is constituted. Further all proposals for building approval, planning permission etc., within the special economic zone declared under Section 4(1) of the Special Economic Zone Act 2005 are covered by the powers of the Development Commissioner as stipulated in Rule 17 of Special Economic Zone Rules 2006. The petitioner company has set up huge IT park in its Special Economic Zone and it is functioning with all licences including the fire licence issued by the respondent herein. The second phase having stillt plus eleven floors has also been completed recently by the petitioner company and the respondent authority granted NOC on 07.02.2011. For the purpose of getting fire licence from the respondent authority, after the completion of its superstructure, the petitioner submitted application dated 01.02.2016. But, the respondent authority has been withholding the grant of fire licence under the wrong motion that the petitioner has to obtain planning permission from the local authority viz. Chennai Metropolitan Development Authority.

4. It is pertinent to mention that the premises approved by the Government of India as Special Economic Zone under the Special Economic Zone Act 2005 (Act 28 of 2005) are exempted from approaching the local authorities including the Town & Country Planning Authority, Local Authority, Panchyat etc. In respect of the above Special Economic Zones, the Act specifically provides for an approval committee/development commissioner as per Rule 17 of the Special Economic Zone Rules 2006, which specifically deals with building approvals within SEZ. The petitioner has already completed the second phase of its complex in the SEZ by investing Rupees 950 crores and a massive superstructure having a built up area of 24,00,000 sq. ft. has been completed. The potential employment of the above second phase of the project is estimated as 18000 persons including technical and non-technical staff. The various

records relating to the permissions granted by the Development Commissioner got destroyed in the recent floods during December 2015 and therefore, the Development Commissioner has issued a fresh certificate on 16.03.2016 confirming full compliance by the petitioner's SEC. The petitioner has fulfilled all the terms and conditions of the development commissioner and any further delay in granting the fire licence would result in virtually compelling the petitioner company in commencing its operation in the said premises. Hence, the petitioner has come forward with the present writ petition.

5. Heard the submissions of learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

6. Considering the facts and circumstances of the case, this Court directs the respondent to consider the representation of the petitioner dated 01.02.2016 in the light of Rule 17 of the SEZ Rules 2006 and also taking note of the earlier order dated 02.06.2014 and 29.09.2015 in renewing the licence under Section 13 of the Tamilnadu Fire and Rescue Service Act 1985 to the Multi Storied building and pass an appropriate order, within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear that this court has not expressed any opinion with regard to the claim of the petitioner in granting fire licence to the petitioner's premises.

7. The writ petition is disposed of accordingly. No costs.
mrp

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Director/DGP
Fire & Rescue Services, No.1, Greams Road,
Commercial Taxes Annex Building
Thousand Lights, Chennai - 600 006.

+ 1 cc to Mr.S.Thanka Sivan, Advocate Sr 20446
+ 1 cc to The Govt.Pleader, Sr 20493

KR/15/4/16

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