

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 13.06.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **M.VENUGOPAL****W.P. (MD) No.8726 of 2016**

M/s. Sri Indirani Engineering
represented by its Partner,
S.Gopalasamy.

... Petitioner

Vs.

1. The Chairman and Managing Director,
Tamil Nadu Small Industries Development
Corporation Limited,
Thiru.Vi.Ka.Industrial Estate,
Near SIDCO Electronic Complex,
Guindy,
Chennai 600 032.

2. The Branch Manager,
SIDCO Branch Office,
Industrial Estate,
Ariyamangalam,
Trichy-10.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to extend the benefit to the petitioner firm as per proceeding made in Rc.No.9409/1E-5/2014 issued by the first respondent dated 29.01.2016 and consequently, grant further time.

For Petitioner : Mr.P.Arun Jayatram
For Respondents : Mr.V.Muruganantham
Additional Govt. Pleader

O R D E R

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.

3. The grievance of the petitioner is that the first respondent issued proceedings in Rc.No.9409/1E-5/2014 dated 29.01.2016 whereby and whereunder it was inter alia observed as



under:

"The above subject matter was placed before the 274th Board Meeting held on 18.12.2015 and the Board vide resolution No.108 resolved to authorize the Managing Director to grant extension of time upto 30.09.2016 for the genuine/serious entrepreneurs who have not utilized the plot beyond six years and now showing serious interest in commencing industry without charging any penalty as a one time measure and penalty as resolved earlier will be imposed if the allottee fails to commence the industry on or before 30.09.2016.

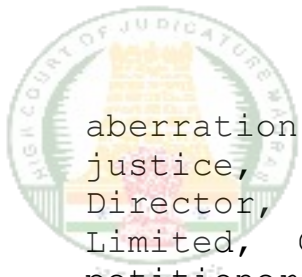
In this connection the Branch Managers are requested to comply with the above time frame allowed by the Board. The request of such entrepreneurs seeking extension of time for commencement of commercial production with a genuine interest and taking steps with a time plan the proposal for the same should be sent to Head Office along with an undertaking to be furnished by the allottee (Copy enclosed herewith)."

4. Further, the said proceedings also covered undertaking for cancelled cases. It is not in dispute that the allotment order granted in favour of the petitioner was cancelled. Therefore, it is primarily contended on behalf of the petitioner that the aforesaid proceedings of the first respondent dated 29.01.2016 covers the petitioner Firm also.

5. The learned counsel for the petitioner submits that the petitioner obtained an allotment order on 29.08.2009 from the first respondent. Therefore, the said proceedings dated 29.01.2016 issued by the first respondent is quite applicable to the petitioner Firm.

6. According to the learned counsel for the petitioner, the petitioner Firm made a representation dated 09.05.2015 to the first respondent/Chairman and Managing Director of Tamil Nadu Small Industries Development Corporation, Chennai-32, to consider the representation to extend the time for commencement of activities and to re-allot the site after receiving necessary charges. Since the petitioner's representation is not considered till date by the first respondent, the petitioner has filed the instant Writ Petition seeking to extend the time for commencement of activities and to re-allot the site after receiving necessary charges in terms of the proceedings of the first respondent dated 29.01.2016.

7. In view of the fact that the petitioner's representation dated 09.05.2015 is pending before the first respondent, at this stage, this Court, without expressing any opinion on the merits and contents of the representation so made by the petitioner and also this Court, not traversing upon the contents of the subject matter in issue, simpliciter, at this stage, to prevent an



aberration of justice and in furtherance of substantial cause of justice, directs the first respondent/Chairman and Managing Director, Tamil Nadu Small Industries Development Corporation Limited, Chennai-32, to look into the representation of the petitioner dated 09.05.2015 with all seriousness and earnestness and to dispose of the same by passing a reasoned speaking order on merits (by outlining the process of reasoning in a qualitative and quantitative fashion) in a dispassionate manner and that too with a free, fair and open mind within a period of four weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Chairman and Managing Director,
Tamil Nadu Small Industries Development
Corporation Limited, Thiru.Vi.Ka.Industrial Estate,
Near SIDCO Electronic Complex,
Guindy, Chennai 600 032.
2. The Branch Manager,
SIDCO Branch Office, Industrial Estate, Ariyamangalam,
Trichy-10.

+1 cc to M/s.P.Arun Jayatram, Advocate in SR.No.30170/16
+1 cc to The Special Government Pleader in SR.No.30154/16

akv

CSL/ARK-PV/23.06.2016 :3P/5C

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