

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2017

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**THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
And
THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.A.No.961 of 2013
And
M.P.No.1 of 2013**

Mr.Chandrasekar

... Appellant

Vs.

1.The Executive Director,
BHEL/BAP,
Ranipet 612 403.

2.The Chairman and Managing Director,
BHEL,
BHEL House,
Siri Port,
New Delhi 110 049.

3.The Secretary,
Heavy Industry,
Government of India,
New Delhi.

4.M.Ramalingam

... Respondents

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent seeking to set aside the order dated 14.12.2012 passed in W.P.No.18265 of 2012.

For Appellant : Ms.M.Chithira Gomathy
For Respondents : Mr.A.V.Arun for R1 and R2
Mr.J.Madhanagopal Rao for R3

J U D G M E N T

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J.)

This writ appeal is directed against the judgment rendered by the learned Single Judge of this Court, on 14.12.2012, disposing of the writ petition with certain observations.

2.The essential grievance of the writ petitioner was relating to the fair and transparent procedure to be adopted in the matter of allotment of shop rooms belonging to BHEL, a Government of India Enterprise.

3.The learned Standing Counsel appearing for BHEL has placed before us, a Policy decision taken by the Management of BHEL and circulated through Corporate HR Circular No.014/EMX/2014, dated 26.06.2014. These policy guidelines have completely regulated and rationalized the exercise of power. In para 4.3 of the Policy guidelines now circulated, it is clearly brought out that for all the five types of shops mentioned in Rule 3.1., the minimum monthly Reserve Licence

Fee shall be fixed by Township Tender cum Allotment Committee (TTAC), at the unit level, which in no case should be less than Reserve Licence Fee as per the formula given thereunder, for allotment of shops for General category, that is without specifying the specific businesses to be run in the shop room and the allotment shall be made by adopting open tender system.

4. By virtue of this Circular guidelines dated 26.06.2014, a fair, transparent and reasonable procedure has been prescribed by the Management of BHEL to deal with the properties belonging to it. In that view of the matter, we feel that the grievance of the writ petitioner stands redressed, as well.

5. We see no further reason to entertain this writ appeal and it stands disposed of accordingly, with an observation that the Management of BHEL shall follow the Policy, as formulated and circulated through its Circular dated 26.06.2014, as it stands amended from time to time, without making any departure there from. The principle that no public sector undertaking which answers the description of State for the purpose of Article 12 of our Constitution shall deal with its properties like a private estate holder would have dealt with. The State cannot confer largess or benefits on third

parties, without adopting a fair and transparent procedure. The Circular instructions passed on by the learned Standing Counsel appearing for BHEL is taken on record.

6.The writ appeal stand disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

[N.R.R.,J.] [M.D.I.,J.]
02.08.2017

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Speaking Order/ Non Speaking Order

Index: Yes / No
Internet: Yes / No

To

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M.DHANDAPANI,J.**

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