

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.01.2017
CORAM:
THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER
W.P.NO.304 OF 2017

M/s.General Hivack Electronics Pvt. Ltd.,
Rep. By its Managing Director
R.Gopal S/o.Sowrirajiah
No.61/24, Burkit Road,
T. Nagar, Chennai - 600 017.

.. Petitioner

Vs.

1.The Chairman cum Managing Director
State Industries Promotion Corporation
of Tamil Nadu Limited (SIPCOT)
19A, Rukmani Lakshmipathy Road,
P.B.No.7223, Egmore,
Chennai - 600 008.

2.The General Manager
Tamil Nadu Industrial Investment
Corporation (TIIC)
629, Anna Salai, Nandanam,
Chennai - 600 035.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to consider the One Time Settlement offer representation dated 23.11.2016 made by the petitioner on the light of One Time Settlement Circular proceedings in O.O.No.7/2005 dated 24.08.2005 issued by the 1st respondent corporation and thereby direct the 1st respondent to execute the sale deed in respect of allotted land situated at No.36A, Sipcot Industrial Complex, Hosur, Krishnagiri District.

For Petitioner : Mr.B.Sundara Pandiyan

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O R D E R

1. The only direction that the petitioner seeks is the consideration of his representation dated 23.11.2016.

2. The petitioner appears to have borrowed monies from the State Industries Promotion Corporation of Tamil Nadu Ltd., (in short the Corporation), which is effectively, represented by the respondents. Admittedly, there was a default in payment of debt.

3. Learned counsel for the petitioner says that pursuant to Circular dated 24.08.2005, a One Time Settlement (OTS) of dues was offered and that to show its bonafides, a sum of Rs.11,70,000/- was paid, in three installments. Reliance for this purpose is placed by the petitioner, on a letter, dated 19.06.2015, issued by the Corporation.

4. The record shows that the petitioner, evidently, has filed a writ petition, which, I am informed, is pending adjudication before this Court. Via this petition, challenge is, apparently, laid to the letter dated 19.06.2015, issued by the Corporation. The said writ petition, I am told, is numbered as : W.P.No.24795 of 2015.

4.1. I have perused the letter, dated 19.06.2015. The said letter is indicative of the fact that the petitioner has defaulted in payment of dues. Furthermore, the letter also alludes to the fact that the total dues, which are outstanding qua the petitioner is a sum of Rs.7,60,52,000/-. In addition, via the very same letter, the Corporation called upon the concerned persons to show cause within 15 days of its receipt, as to why personal guarantees submitted by the Managing Directors of the petitioner, i.e., Mr.R.Gopal and Mrs.R.Parimala, ought not to be invoked. The letter also, clearly, indicated to the petitioner that, if, outstanding dues are not settled, within the stipulated time, the Corporation, would issue foreclosure and recall orders.

5. The argument of the petitioner, therefore, that its offer of OTS, should be accepted by the Corporation is unsustainable, as no such mandamus, can be issued by this Court. Furthermore, the circular, on which, the petitioner seeks to place reliance is a circular dated 24.08.2005, which, on the face of it, shows that it was in force, only up to 31.03.2016.

5.1. Pertinently, upon the counsel being queried, as to whether the time frame given, under the said circular, for arriving at the settlement with the Corporation, was extended, I did not receive any satisfactory answer.

6. Therefore, for all these reasons, the instant writ petition cannot be entertained. Accordingly, the same is dismissed. However, it is made clear that the dismissal of this writ petition will not come in the way of the petitioner, independently approaching the Corporation to seek settlement of its dues. It is made clear that if, the petitioner approaches the Corporation for settlement, it will be at liberty to arrive

at a settlement, de hors the factum of dismissal of the writ petition. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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+1 cc to Mr.A.Rajeshkanna Advocate sr 1425/17

W.P.NO.304 OF 2017

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