

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.3895 of 2017

M/s.Subhashri Bio Energies Private Limited,
rep. by its Managing Director,
No.67, Goundampalayam,
Kumaramangalam Post,
Tiruchengode Taluk,
Namakkal District.

... Petitioner

vs.

1. Ministry of New and Renewable Energy,
Government of India,
Block - 14, CGO Complex,
Lodhi Road, New Delhi 110 003.
2. Ministry of Agriculture,
Department of Agriculture
& Co-operation,
Government of India,
Krishi Bhawan,
Rajendra Prasad Road,
New Delhi - 110 001.
3. Ministry of Finance,
Government of India,
North Block,
New Delhi - 110 001.
4. Ministry of Chemicals and
Fertilizers,
Government of India,
A-Wing, Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi - 110 001.
5. Ministry of Environment,
Forest and Climate Change,
Government of India,
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi - 110 003.
6. Ministry of Consumer Affairs,
Food & Public Distribution,
Government of India,
Department of Consumer Affairs,
Krishi Bhawan, New Delhi - 110 114.

7. Government of Tamil Nadu,
rep. by its Chief Secretary,
Fort St. George,
Secretariat, Chennai.
8. Tamil Nadu Pollution Control Board,
rep. by its Chairman,
76, Mount Salai,
Guindy, Chennai 600 032.
9. TANGEDCO,
rep. by its Chairman,
144, Anna Salai,
Chennai 600 002.
10. Indian Overseas Bank,
rep. by its Branch Manager,
Fairland Branch,
5th Cross, Brindavan Road,
Fairlands, Salem - 636 016. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to draft necessary regulatory facilitation required for the indigenous project of the petitioner pursuant to the recommendation of the 1st respondent dated 30.03.2010.

For Petitioner : Mr.J.Raja Kalifulla,
Senior Counsel
for Mr.Abrar Md. Abdullah

For 7th Respondent: Mr.S.Rajeswaran,
Special Government Pleader

O R D E R

The petitioner seeks a direction to the respondents to draft necessary regulatory facilitation required for his indigenous project, pursuant to the recommendation of the 1st respondent dated 30.03.2010.

2. According to the petitioner, their Company is aided and guided by the Government of India and the State Government for its innovative and indigenous approach towards waste management, generation of power and organic manure. The grievance of the petitioner is that the Regulating authorities, in the absence of specific regulations, without considering the significance of their indigenous project on waste management, are enforcing the existing regulations which are not on par with the standard of operations indulged in by the petitioner. Though the petitioner made several representations to the respondents, i.e on 18.11.2015, 17.03.2016, 18.01.2017 and on 19.02.2017 seeking to formulate necessary regulatory framework, no reply is forthcoming from the respondents. Hence, the petitioner is before this Court.

3. Learned Senior Counsel appearing for the petitioner pointed out that the petitioner is not in any way seeking any relief as against the Bank or it has anything to do with Section 13(2) notice under the SARFAESI Act, insofar as the Bank is concerned. Learned Senior Counsel submitted that the petitioner is restricting their claim to the extent that the 7th respondent may be directed to consider their representation based on the recommendation of the 1st respondent dated 30.03.2010 and that of the Planning Commission, as their project is a novel one, mainly intended to create energy out of poultry litter.

4. Learned Special Government Pleader submitted that the petitioner's representation will be considered in accordance with law.

5. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the 7th respondent.

6. In such view of the matter, this Court directs the 7th respondent herein, to consider the petitioner's detailed representation dated **18.11.2015*** on merits and in accordance with law, and pass appropriate orders, as expeditiously as possible, after giving an opportunity of hearing to the petitioner. The 7th respondent shall take all earnest efforts immediately to take necessary action in this regard.

The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CO)

dt. 1.03.2017

Corrected as per order of this
Court dated 6.3.2017 made in
WP.No.3895/17

Sd/-Assistant Registrar(CO)

dt. 15/03/2017

*Corrected as per order of this
Court dated 22.3.2017 made in
WP.No.3895/17

Sd/-Assistant Registrar(CS VII)

dt. 24/03/2017

//True Copy//

Sub Assistant Registrar

To :

1. The Ministry of New and Renewable Energy,
Government of India,
Block - 14, CGO Complex,
Lodhi Road, New Delhi 110 003.
2. Ministry of Agriculture,
Department of Agriculture & Co-operation,
Government of India,
Krishi Bhawan,
Rajendra Prasad Road,
New Delhi - 110 001.
3. Ministry of Finance,
Government of India,
North Block,
New Delhi - 110 001.
4. Ministry of Chemicals and Fertilizers,
Government of India,
A-Wing, Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi - 110 001.
5. Ministry of Environment,
Forest and Climate Change,
Government of India,
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi - 110 003.
6. Ministry of Consumer Affairs,
Food & Public Distribution,
Government of India,
Department of Consumer Affairs,
Krishi Bhawan, New Delhi - 110 114.
7. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Secretariat, Chennai.
8. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy, Chennai 600 032.
9. The Chairman,
TANGEDCO,
144, Anna Salai,
Chennai 600 002.

To be substituted
the order already
despatched on
17.03.2017

10. The Branch Manager,
Indian Overseas Bank,
Fairland Branch,
5th Cross, Brindavan Road,
Fairlands, Salem - 636 016.

+1cc to Mr.I.Abrar md Abdullah, Advocate **Sr.18130***

W.P.No.3895 of 2017

nm i[co]
srg 1/3/17
Eu 16.03.17
ss (24/3/2017)



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