

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21290 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of the 2nd respondent in not releasing the funds under Swatch Bharat Mission VGF Grant applicable as per the S.B.M. norms, as illegal and arbitrary and consequently to direct the 2nd respondent to release the funds under Swatch Bharat Mission VGF Grant applicable as per the S.B.M. norms, towards working capital and balance dues to the suppliers.

2. Heard the learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the petitioner is a limited company incorporated under the Companies Act, 1956, and that the object of the petitioner company is to establish a Waste to Energy Project by collecting the raw materials (waste) from the 19 municipalities of the erstwhile Warangal, Nalgonda and Khammam Districts (clusters of 18 & 19) of Telangana State and that the product will be generation of power from the Municipal Waste and that during the year 2006, the initial requirement of land has been secured in an extent of Ac. 26.00 in Survey No.102/A, Ac. 5.12 guntas in Survey No.103, Ac. 15.31 guntas in Survey No.114/E, Ac. 1.25 guntas in Survey No.105 and Ac. 0.07 guntas in Survey No.107/3 and Ac. 0.20 guntas at Vibhalapuram, Mothey Mandal,

Nalgonda District (erstwhile) and that even though, the promoters of the petitioner company has spent their valuable time, money for the completion of the Waste to Energy Project, the delay caused in sanctions and releases by the Asset Manager, ILFS Trust Co., and Lenders, the promoter company could complete the project in all respects by using their good will in the society and that the loan account of the petitioner company was declared by the lenders as NPA and that the sanctions and releases were negative and also the escalation of the project cost due to delayed sanctions and disbursements have hampered in securing working capital to commission the plant.

4. The main grievance of the petitioner company is that the petitioner company had submitted representations, dated 12.05.2016, 04.07.2016, 15.07.2016, 17.07.2016 and 18.07.2016, requesting the 2nd respondent for providing Grant under Swatch Bharat Mission for working capital as per CERC norms and that the petitioner is entitled for benefits under the Swatch Bharat Mission, but so far, the 2nd respondent has not passed any orders on the said representations and the same are pending.

5. When the matter is taken up for hearing, learned counsel for the petitioner submitted that the petitioner is not seeking any relief against the 3rd respondent and prayed this Court to direct respondents 1 & 2 to consider the representations, dated 12.05.2016, 04.07.2016, 15.07.2016, 17.07.2016 and 18.07.2016, submitted by the petitioner and pass appropriate orders, in accordance with law.

6. Recording the said submissions, the Writ Petition is disposed of directing respondents 1 & 2 to consider the representations, dated 12.05.2016, 04.07.2016, 15.07.2016, 17.07.2016 and 18.07.2016, said to have been submitted by the petitioner company and pass appropriate orders, as expeditiously as possible, in accordance with law and communicate the said decision to the petitioner company. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 14th July, 2017

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296**THE HONOURABLE SRI JUSTICE RAJA ELANGO****WRIT PETITION No.21290 of 2017**Date: 14th July, 2017

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