

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-04-2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7735 of 2018

And

W.M.P.No.9654 of 2018

ABI Showatech (India) Limited,
(Light Alloy Products Division),
Represented by its Factory Manager G.Ramamoorthy,
S.No.655, 656, 659/2B,
Pullivalam Village,
Banavaram Post,
Walaja Taluk,
Vellore District - 632 505. ... Petitioner

Vs.

- 1.The Secretary,
Labour and Employment Department,
Government of Tamil Nadu,
Chennai-600 006.
- 2.The Director,
Industrial Safety and Health Department,
Chennai-600 014.
- 3.The Joint Director,
Industrial Safety and Health-1,
Vellore. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records of third respondent in Proceedings No.N.K.E/2709/2017 and quash its order dated 1.12.2017 and further direct the third respondent to carry out necessary amendments in petitioner's registration certificate R.C.No.7/2000 in terms of petitioner's request for periodical amendments.

For Petitioner	:	Mr.S.Ravindran, Senior Counsel for Mr.S.Bazeer Ahamed
For Respondents	:	Mr.J.Ramesh, Government Advocate.

O R D E R

The order dated 1.12.2017, issued by the third respondent, rejecting the application for amendment in petitioner's registration certificate RC No.7/2000 in terms of petitioner's request for periodical amendments is under challenge in this writ petition.

2. The writ petitioner is a company and submitted an application on 1.1.2016. The petitioner submitted Form No.I to the third respondent, seeking amendments to the Registration Certificate by listing out inclusion of three Contractors and exclusion of one Contractor. Through letter dated 26.2.2016, the third respondent informed the petitioner that a recommendation for revocation of Registration Certificate of the petitioner was forwarded to the first respondent. On 16.3.2016, the petitioner once again requested the third respondent to issue necessary amendment to the Registration Certificate. However, the third respondent returned the Registration Certificate to the writ petitioner on 7.4.2016, stating that till a reply is received from the first respondent, necessary amendments would not be carried out. Once again, through letter dated 27.6.2016, the petitioner sought for amendment to the Registration Certificate from the third respondent. Based on that, the third respondent in letter dated 29.7.2016 sought for certain clarifications from the second respondent in this regard. Thereafter, no reply has been furnished to the writ petitioner and thus, the writ petitioner is constrained to move the present writ petition.

3. On a perusal of the order impugned dated 1.12.2017, it is stated that the Contractors namely Mr.R.Loganathan and Mr.P.N.Lakshminarayanan had approached the Hon'ble High Court of Madras, seeking cancellation of license and the High Court had granted stay of the impugned order of cancellation. In respect of these two contractors, the learned Senior Counsel appearing on behalf of the writ petitioner states that except those two contractors, no other person, including the petitioner, had filed any writ petition before the High Court in respect of cancellation of license or otherwise.

4. Thus, there is no impediment for considering the claim of the writ petitioner for amendment of Registration Certificates. The third respondent, by wrongly construing the contentions of those two Contractors, approached the High Court unnecessarily stalling the application submitted by the writ petitioner for amendment of Registration Certificate.

5. However, the writ petition filed by ABI Showatech (India) Limited in WP Nos.27419 and 27420 of 2015 is no way connected with the application submitted by the writ petitioner, seeking amendment of Registration Certificate. Therefore, no

clarification is required for the purpose of considering the application submitted by the writ petitioner for amendment of Registration Certificate.

6. This being the factum of the case, this Court is of an opinion that it is suffice if a direction is issued to consider the application submitted by the writ petitioner on merits. Accordingly, the third respondent is directed to consider the application submitted by the writ petitioner, seeking amendment of Registration Certificate independently, take a decision and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the application once again and all the relevant documents along with the order passed in this writ petition.

7. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

Svn

To

- 1.The Secretary,
Labour and Employment Department,
Government of Tamil Nadu,
Chennai-600 006.
- 2.The Director,
Industrial Safety and Health Department,
Chennai-600 014.
- 3.The Joint Director,
Industrial Safety and Health-1,
Vellore.

+1cc to Mr.S.Bazeer Ahamed, Advocate sr.no.26876

W.P.No.7735 of 2018

sr(co)
nr 18/04/2018