

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WP.No.21588 of 2004

Tvl.Lexpo International,
3, Manonmaniammal Road,
Kilpauk, Chennai - 600010.

...Petitioner

Vs

1. The Secretary to Government,
Industries and Commerce Department,
Fort St.George, Chennai - 9.

2. The Regional Director of
Industries and Commerce,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 32.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to pass an order of Writ of Mandamus directing the 1st respondent herein to allot necessary funds to the 2nd respondent towards subsidy payable to the petitioner and also the 2nd respondent to disburse the same to the petitioner without any further delay.

For Petitioner : Mr.R.Ganesh Kanna

for Mr.A.Ravichandran

For Respondents: Mrs.K.Bhuvaneswari, AGP

सत्यमेव जयते
O R D E R

The petitioner herein is a partnership firm, who had claimed export subsidy from the 2nd respondent herein. Pursuant to the claim, the 2nd respondent had informed the petitioner that the disbursement of export subsidy has not been received from the 1st respondent Government and that on receipt of such funds from the Government, the amounts will be disbursed to the petitioner herein, through a letter dated 01.03.2004. Since no further action was taken by the respondents, the present writ petition came to be filed, seeking for a writ of mandamus directing the 1st respondent to allot necessary funds to the 2nd respondent towards the subsidy payable to the petitioner.

2. Today, when the matter was called, the learned counsel for the petitioner submitted that the petitioner firm came to be dissolved in the year 2015 and that as on date, the subsidy has not been paid.

3. Since more than 14 years have lapsed after the writ petition has been filed, it would not be appropriate at this point of time to direct the 1st respondent to release the funds. Nevertheless, if the petitioner is entitled for receipt of the export subsidy, the respondents cannot deny the same and also on the ground that the partnership firm has been wound up.

4. In the light of the above observations, the erstwhile partners of the petitioner firm are granted liberty to make an appropriate representation to the respondents herein, seeking for disbursement of the export subsidy and on receipt of such a representation, the respondents shall consider the same on its own merits and pass appropriate orders, as expeditiously as possible, in any event, within a period of 3 months from the date of receipt of copy of this order.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Secretary to Government,
Industries and Commerce Department,
Fort St.George, Chennai - 9.

2. The Regional Director of
Industries and Commerce,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 32.

+1cc to the Government Pleader, S.R.No.30436

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SR(CO)
CS/13/05/2019