

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.18146 of 2005

Bannari Amman Sugars Limited,
Represented by its Company Secretary
having its registered office at
1212 Trichy Road,
Coimbatore 641 018.Petitioner

Vs

1. Union of India,
Represented by its Joint Secretary,
Department of Economic Affairs
Ministry of Finance, North Block,
New Delhi 110 001.
2. The Commissioner of Central
Excise (Adjudication)
Room No.136, IP Estate,
New Delhi 110 002.
3. ICICI Bank Limited
having its office at ICICI Bank Towers
Bandra-Kurla complex,
Mumbai - 400 051.
4. Union of India
Represented by its under Secretary,
Central Board of Excise and Customs,
Department of Revenue,
Ministry of Finance,
North Block New Delhi 110 001.Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action on the certificates forwarded by the Project Implementing Authority viz., the third respondent in terms of Notification No.108/1995 dated 28.08.1995 as amended by Notification No.4/1999 dated 11.02.1999.

For Petitioner : Mr.Vedachalam for
Mr.R.Parthasarathy

For Respondents : Mr.T.Pramod Kumar Chopda
Senior Panel Counsel
(for R1, R2 and R4)
No appearance (for R3)

ORDER

The prayer sought for in the present writ petition is for issuance of writ of mandamus, directing the 1st respondent to take appropriate action on the certificates forwarded by the Project Implementing Authority viz., the third respondent in terms of Notification No.108/1995 dated 28.08.1995 as amended by Notification No.4/1999 dated 11.02.1999.

2. The issue as to whether such a request sought for in the present prayer is within the authority and demand of the first respondent herein and this Court may not be justified in stepping into the shoes of the first respondent to consider the prayer sought for in the writ petition. It is also seen that the petitioner has not made any prior request to the respondents/authorities before filing the present writ petition.

3. Even otherwise, it is seen that the writ petition was filed in the year 2005 and almost 14 years have lapsed. In view of the same, direction to the respondents at this stage, to consider the request of the petitioner may not be proper. Nevertheless, if the grievance of the petitioner still subsists, the petitioner can be granted liberty to approach the first respondent ventilating their grievances by way of fresh representation.

4. In the light of the above observations, the petitioner is granted liberty to make a representation to the first respondent ventilating their grievance. On receipt of the same, the first respondent shall consider the same on its own merits and in accordance with law, as expeditiously as possible.

5. With the above observation, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

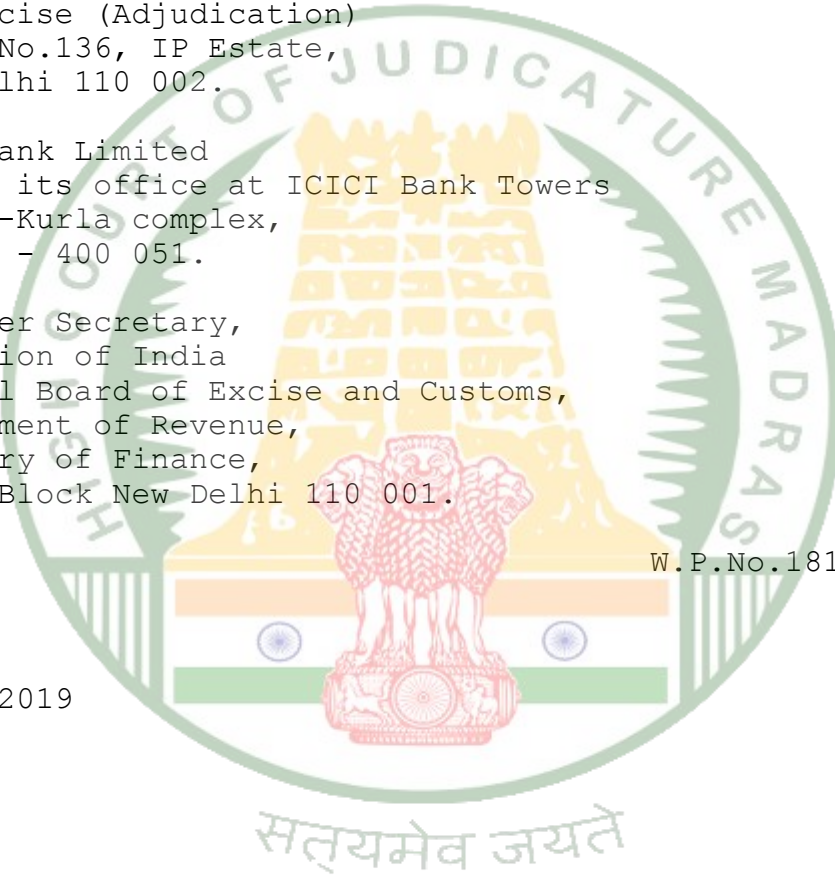
vum

To

1. The Joint Secretary,
The Union of India,
Department of Economic Affairs
Ministry of Finance, North Block,
New Delhi 110 001.
2. The Commissioner of Central
Excise (Adjudication)
Room No.136, IP Estate,
New Delhi 110 002.
3. ICICI Bank Limited
having its office at ICICI Bank Towers
Bandra-Kurla complex,
Mumbai - 400 051.
4. The Under Secretary,
The Union of India
Central Board of Excise and Customs,
Department of Revenue,
Ministry of Finance,
North Block New Delhi 110 001.

W.P.No.18146 of 2005

ss[co]
srg 27/07/2019



WEB COPY