

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 15049 of 2017

M/s. Okaya Infocom Pvt. Ltd.,
rep. by its authorised signatory,
N.K.Singhal,
D-7, Udyog Nagar, Rohtak Road,
New Delhi - 110 041. ... Petitioner

Versus

1. M/s. Electronics Corporation of
Tamil Nadu Limited (ELCOT),
through its Managing Director,
692, M.H.U. Complex,
II Floor, Anna Salai,
Nandanam, Chennai-600 035.
2. Union of India,
Ministry of Commerce and Industry,
Department of Commerce,
rep. by Director, SEZ Division,
Udyog Bhavan,
New Delhi - 110 105.

R2 impleaded as per order
dated 04.10.2019 in W.M.P.
28508 of 2019

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent herein to enforce its legal obligations in as much as to consider and dispose of the petitioner's representation dated 04.01.2016 and also direct the respondent to refund the deposited amount as per the lease deed dated 15.11.2012 along with rate of interest @ 18% per annum.

For Petitioner : Mr.V.Karthick,
Senior Advocate for
Mr.D.Krishna Pradeep

For Respondents : Mr.M.Vijayan for

M/s. King & Patridge for R1

Dr.G.Babu,
Central Govt. Standing Counsel
for R2

O R D E R

This Writ Petition has been filed seeking a direction to the 1st respondent to consider the petitioner's representation and pass suitable orders.

2. According to the petitioner, he is said to have submitted a representation to the 1st respondent to cancel the lease agreement, and also to refund the lease amount paid by the petitioner. But, that representation was not considered by the 1st respondent on the ground that the land was leased out to the petitioner only under the Co-developer status, and unless the Co-Developer status is cancelled by the competent authority, the 1st respondent is not in a position to consider the petitioner's representation for cancellation of the lease agreement.

3. Today, when the matter came up for hearing, Mr.V.Karthick, learned Senior Counsel appearing for the petitioner would submit that, he has made an application for cancellation of Co-Developer status before the authority, based on the application, the Deputy Development Commissioner, MEPZ Special Economic Zone and HEOUs in Tamil Nadu, Pondicherry vide its Proc. No.9/128/2013-Pvt.SEZ, dated 19.08.2019 sent a recommendation for the cancellation of Co-Developer status to the Director, SEZ Division, Department of Commerce, Government of India, Udyog Bhavan, New Delhi. Now, the application is pending with the 2nd respondent, and the 2nd respondent may be directed to consider the above recommendation, and pass suitable orders. Thereafter, the petitioner may be permitted to approach the 1st respondent seeking for cancellation of Co-developer status.

4. I have considered the submissions made by learned counsel appearing for the petitioner as well as learned counsel appearing for the respondents and perused the records carefully.

5. Considering the above submissions of petitioner, the 2nd respondent is directed to consider the recommendation made by the Deputy Development Commissioner, MEPZ Special Economic Zone and HEOUs in Tamil Nadu, Pondicherry vide its Proc. No.9/128/2013-Pvt.SEZ, dated 19.08.2019, and pass suitable orders on merits and in accordance with law, on or before 04.11.2019. Thereafter, it is open for the petitioner to approach the 1st respondent seeking for appropriate relief.

6. With the above direction, the Writ Petition stands disposed of. No costs.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

rpp

To

1. The Managing Director,
M/s. Electronics Corporation of
Tamil Nadu Limited (ELCOT),
692, M.H.U. Complex,
II Floor, Anna Salai,
Nandanam, Chennai-600 035.

2. The Director,
Union of India,
Ministry of Commerce and Industry,
Department of Commerce,
SEZ Division,
Udyog Bhavan,
New Delhi - 110 105.

+1 CC to Mr.D.Krishna Pradeep, Advocate sr 85176.

+1 CC to M/s. King and Partridge, Advocate sr 85014.

+1 CC to Dr.G.Babu, Advocate sr 85156.

W.P. 15049 of 2017

RJI (CO)
SP(07/11/2019)

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