

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.01.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.1523 of 2021

and

WMP No.1721 of 2021

S.Mahesh

..... Petitioner

vs.

1. The Tamilnadu Industries Investment Corporation Ltd.,
Head Office No.692, Anna Salai,
Nandanam,
Chennai - 600 035

2. The Tamil Nadu Industries Investment Corporation Ltd.,
4/22, Shri Lakshmi Complex,
Omalur Road, Swarnapuri,
Salem - 636 004

3. The Tamil Nadu Industries Investment Corporation Ltd.,
D.No.20/127/A-5B, First Floor,
80 Feet Road, Salem Road,
Namakkal - 637 001

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to consider the petitioner's representation dated 13.03.2020 in the light of the order passed by this Court on 20.08.2018 in W.P.No.4396 of 2017 within a reasonable time.

For Petitioner

... Mr.T.L.Thiimalisamy

ORDER

The matter is taken up through web hearing.

This writ petition is filed for a Mandamus to direct the respondents to consider the petitioner's representation dated 13.03.2020 in the light of the order passed by this Court in W.P.No.4396 of 2017 dated 20.08.2018.

2. Since this writ petition is being disposed of without affecting the interest of the respondents, notice to the respondents is dispensed with.

3. When the petitioner's properties were put to auction by the respondent Board through auction notice dated 24.01.2017, the petitioner approached this Court by way of writ petition in W.P.No.4396 of 2017 and also offered to pay a sum of Rs.8,00,000/- within a period of eight weeks from the date of receipt of the said order. In view of the same, this Court allowed the writ petition on 20.08.2018 with the following terms.

i) The impugned auction notice issued by the 3rd respondent in proceedings dated 24.01.2017, is quashed.

ii) The writ petitioner is directed to pay a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) to the respondents within a period of eight weeks from the date of receipt of the copy of this order.

iii) The respondents, thereafter, is directed to calculate the balance amount and inform the same to the writ petitioner within a period of two weeks from the date of payment of a sum of Rs.8,00,000/- by considering the case of the writ petitioner for waiver of penal interest as the petitioner has shown his bonafide.

iv) On receipt of such information from the respondents, the writ petitioner shall repay the entire balance loan amount in six equal instalments from the date of receipt of the orders from the respondents.

v) If the petitioner fails to comply with any of the directions in this order, then the respondents are at liberty to proceed against the writ petitioner in accordance with law.

9. The writ petition stands allowed with the above directions."

4. The grievance of the petitioner is that even though this Court directed the respondents to calculate the balance amount and inform the same to the petitioner within a period of two weeks from the date of payment of the aforesaid Rs.8,00,000/-, the respondents have not calculated the total amount so far and therefore, the petitioner could not make the balance amount.

5. However, it appears that after the payment made by the petitioner, there was a communication from the respondents in TIIC/SLM/LAO/2019-20 dated 09.10.2019 that the Board has approved the One Time Settlement amount of Rs.11,40,382/- including the other dues of Rs.69,272/- upto 31.07.2019. It is also informed that the Board resolved to approve the waiver of penal interest of Rs.2,80,857/- in Term Loan account and further

interest need not be charged from 01.08.2019 in the loan account and treat the amount as settled, subject to the following conditions:

1. The concern shall remit the settlement amount of Rs.11,40,382/- (Rupees Eleven Lakhs Forty Thousand Three Hundred and Eighty Two only) plus Other Dues of Rs.69,272/- (Rupees Sixty Nine Thousand Two Hundred and seventy two only), the other incidental charges, interest tax, subsidy ineligible amount along with interest, if any, in six monthly instalments from the date of communication of settlement approval.

2. The settlement amount shall be paid in six monthly instalments with simple interest at 12.20% p.a. till the date of settlement. The interest will be charged from the date of communication.

3. The concern shall also have to remit other dues, other incidental charges etc. if any till the date of settlement of account.

4. The waiver concessions granted stands cancelled automatically, if the loan is not settled as per clause 1,2,3.

6. A reminder was also made on 27.02.2020 directing the petitioner to remit the One time Settlement amount of Rs.11,40,382/- + other dues of Rs.69,272/- with other incidental charges, interest tax, subsidy ineligible amount along with interest if any, in six monthly instalments from the date of communication i.e., from 09.10.2019.

7. Now, the apprehension of the petitioner is that since the respondent Board has not finalised the other incidental charges, interest tax, subsidy ineligible amount in the final settlement, the petitioner could not make the payment.

8. From the above, it is seen that this Court, by considering the petitioner's representation, passed an order in W.P.No.4396/2017 dated 20.08.2018 and the 4th respondent has also offered one time settlement of Rs.11,40,382/- by their communication dated 09.10.2019 and also provided six monthly instalments with simple interest at 12.20 % p.a. till the date of settlement. Therefore, this Court is not inclined to entertain this Writ petition. However, the respondent Board shall clarify with regard to the other incidental charges, interest tax, subsidy ineligible amount, if any, to the petitioner, enabling him to make the payment and settle the amount due by him.

9. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

vsi

To

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+lcc to Mr.T.L.Thirumalaisamy, Advocate, S.R.No. 4786

W.P.No.1523 of 2021

UM(CO)
GN(19/02/2021)

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