

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.26672 of 2011
and
M.P.No.1 of 2013

M/s.Opti Products Private Limited,
Rep.by its Authorised Signatory,
S.Pannalal Jain
Having its office at
No.81/B Second Main Road,
Ambattur, Chennai - 600 058.

..Petitioner

Vs.

- 1.The Secretary,
Ministry of Commerce and Industry,
(Department of Industrial Policy & Promotion)
Government of India,
New Delhi.
- 2.The Secretary,
Ministry of Law & Justice,
New Delhi.
- 3.The Director,
The Industries Commissioner and
Director of Industries & Commerce
Chepauk, Chennai - 600 005.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in issuance of the letter dated 19th October 2011 and quash the same and thereby direct the 1st respondent to grant approval under Non-Automatic route as stipulated under Section 7 of the Industrial Park Scheme 2002 to the petitioner.

For Petitioner : Mr.E.K.Kumaresan

For Respondents : Mr.A.Kumaraguru
Central Government Standing
Counsel [For R1 & R2]
R3 - No appearance

ORDER

The relief sought for in the present writ petition is to call for the records with reference to the impugned letter dated 19.10.2011 and quash the same and direct the 1st respondent to grant approval under Non-Automatic route as stipulated under Section 7 of the Industrial Park Scheme 2002 to the petitioner.

2. The impugned order itself reveals that the petitioner was advised to apply to the appropriate authority under the Industrial Park Scheme notified by the Department of Revenue in Notification dated 08.01.2008. However, the Industrial Park scheme, for which, the petitioner applied had expired on 31.03.2006. The Government of India Notification issued on 1st April 2002 unambiguously contemplates the period of the operation of the scheme. As per the period of operation, the scheme shall be applicable for any undertaking which develops, develops and operates or maintains and operates an Industrial Park for the period beginning on the 1st day of April 1997 and ending on the 31st day of March 2006.

3. However, the application itself was filed by the petitioner on 10th October 2006, after the lapse of the scheme itself. When the application itself was belated and more specifically, after the expiry of the period of operation of the scheme, the very relief sought for in the present writ petition deserves no merit consideration. Even in letter dated 13.06.2007, the petitioner themselves admitted that the I.T Park has been fully functional from October 2006. Thus, the petitioner admitted that the I.T Park became functional only after the expiry of the period of operation i.e., 31st March 2006.

4. Thus, the petitioner is at liberty to apply for any other new scheme subsequently introduced by the Government of India and is in operation and as far as the writ petition is concerned, no relief is required and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Ministry of Commerce and Industry,
(Department of Industrial Policy & Promotion)
Government of India,
New Delhi.

2.The Secretary,
Ministry of Law & Justice,
New Delhi.

3.The Director,
The Industries Commissioner and
Director of Industries & Commerce
Chepauk, Chennai - 600 005.

+2 cc to Mr.E.K.Kumaresan, Advocate, SR.No.22174

W.P.No.26672 of 2011

PCH(CO)
NS(04/05/2021)



WEB COPY