

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P.No.5755 of 2021

and

WMP.Nos.6356 of 2021

M.S.Metals & Steels Pvt. Ltd.,
rep. by its Officer Bhavesh Bafina,
808, Poonamallee High Road,
6A, Calve Chatteau, Kilpauk,
Chennai-600 010.

..Petitioner

Vs.

1.The Managing Director,
State Industries Promotion Corporation of
Tamil Nadu (SIPCOT),
19-A, Rukmani Lakshmipathy Salai,
Egmore, Chennai-600 008.

2.The Project Manager,
State Industries Promotion Corporation of
Tamil Nadu (SIPCOT),
Industrial Growth Centre,
Vallam-Vadagal,
Sriperumbudur,
Kancheepuram,
Tamil Nadu.

..Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in respect of the show cause notice No.P-I/SIP-VV/MS Metals/76/2017 dated 12.12.2020 and also the earlier letter No.P-I/SP-VV/MS Metals/76/2017 dated 04.11.2020, issued by the first respondent, quash the same and direct the respondent not to proceed further with the show cause notice.

For Petitioner : Mr.Thenkodi Annam Nelson

For Respondents: Mr.N.Vijay Narayanan, AG
Assisted by
Mr.Manoharan, SGP

O R D E R

This Writ Petition has been filed as against the order of cancellation of allotment to the petitioner in Plot Nos. G-19 and H-15, the land measuring to an extent of 7.88 acres in SIPCOT Industrial Park at Vallam-Vadagal by the first respondent by an order dated 04.11.2020 and in furtherance of the same, a show cause notice No.P-I/SIP-VV/MS Metals/76/2017 dated 12.12.2020 was also issued to the petitioner.

2.Heard Mr.Thenkodi Annam Nelson, learned counsel for the petitioner and Mr.N.Vijay Narayanan, learned Advocate General appearing on behalf of the respondents/SIPCOT.

3.The learned counsel for the petitioner submits that the land was allotted to the petitioner only on 22.08.2017 and thereafter, the lease deed was also executed between the respondents and the petitioner on 28.11.2017. The learned counsel further submitted that the petitioner has applied for all statutory approvals in the year 2018 and the electricity service connection was provided to the petitioner only in the year 2020. While so, by referring the same, the petitioner has also made a request to the respondents/Board to provide extension of time for completing the project and the respondents by proceedings dated 21.09.2020, has also extended the time for construction by one year. All of a sudden, by the impugned order dated 04.11.2020, they have cancelled the allotment given to the petitioner contrary to their earlier proceedings dated 21.09.2020.

4.Taking note of the fact that the land has been allotted to the petitioner only on 22.08.2017 and the petitioner has also applied for all necessary approvals from the Competent Authorities to proceed with the project and also considering the request made by the petitioner's company through its letter dated 13.01.2020, the respondents/SIPCOT has also extended a further time of one year for construction by their proceedings dated 21.09.2020. However, the impugned order has been passed by the respondents without considering the extension of time granted by them hence, the petitioner has approached this Court by way of filing this Writ Petition.

5.It appears that pending Writ Petition, the respondents have also recalled the impugned order passed by them but however with a condition to complete the project within a period of five months. The learned counsel for the petitioner submitted that pursuant to the issuance of the impugned order dated 04.11.2020 and show cause notice dated 12.12.2020, cancelling the allotment granted to the petitioner, the petitioner's Company has not been

in a position to proceed with its project for nearly 3 or 4 months and hence, he pleaded before this Court for extension of time to complete the project.

6.Considering the facts and circumstances of the case and the developments carried out by the petitioner in respect of the project, this Court opines to dispose of the present Writ Petition with a direction to the respondents to provide 12 months time from today to the petitioner to complete the project. It is also made clear that the petitioner is supposed to show the developments made in the project to the respondents every month.

7.With the above directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. There shall be no orders as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

DP
To

- 1.The Managing Director,
State Industries Promotion Corporation of
Tamil Nadu (SIPCOT),
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- 2.The Project Manager,
State Industries Promotion Corporation of
Tamil Nadu (SIPCOT),
Industrial Growth Centre,
Vallam-Vadagal, Sriperumbudur, Kancheepuram, Tamil Nadu.

+2 CC to M/S.Thenkodi Annam Nelson, Advocate Sr No.20528

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TPL(CO)
RG.21.04.2021