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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.7254 of 2013

and

M.P.Nos.1 and 2 of 2013

Veera Ice Plant
Rep. by its Proprietor
V.Krishnamoorthy
S/o.Veerasamy
Chinnamedu, Kalamandalur Post
Tharangambadi Taluk,
Nagapattinam District.

... Petitioner

Vs

1.The Tamil Nadu Industrial Investment
Corporation Ltd.,
Rep. by the Managing Director,
692, Anna Salai, Nandanam,
Chennai - 600 035.

2.The Tamil Nadu Industrial Investment
Corporation Limited,
Rep. by the Branch Manager,
33, South Main Street,
Thanjavur - 9.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records concerning the tender cum public auction issued by the second respondent in respect of the Primary Assets (Land, Building & Machinery) and Collateral Assets (Land) of the petitioner on March 2013 to quash the same and directing the 2nd Respondent to permit the petitioner to run the business of the petitioner Veera Ice Plant at Chinnakudi Road, Akkur Pandaravadi, Tharangambadi Taluk and dispose off the OTS proposal of the petitioner in accordance with law and without any discrimination.

For Petitioner : Mr.T.D.K.Govindarajan

For Respondents : Mr.I.Sathish
Standing counsel for TIIC



like the petitioner who availed the loan for more than Rs.10 Lakhs and now the TIIC has come forward to extend the benefit of OTS even to those who availed the loan like the petitioner and therefore, in this regard, if at all the petitioner has come forward to settle the loan by availing the benefit of OTS and for the said purpose, if he has already made the application/representation dated 12.07.2021, certainly, that would be considered by the respondent TIIC and accordingly a decision would be taken within a time frame that may be stipulated by this Court.

5. I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

6. Though the impugned notice for public auction was issued in the year 2013, by virtue of the pendency of this writ petition, for all these years where there has been an order of stay, the said auction notice has not been acted upon. Moreover, at this juncture, since the said decision has been taken by the TIIC to extend the benefit of OTS to the persons like the petitioner who availed the loan of more than Rs.10 Lakhs also in principal and in this regard, the petitioner also is ready and willing to avail the benefit of One Time Settlement and in this regard, he has already made application on 12.07.2021 to the respondents, which the respondents also are ready and willing to consider on merits and in accordance with law, this Court feels that, the import of the impugned order need not be gone into, at this juncture, therefore, the present development under which the issue can be settled through OTS by mutual agreement by both parties can be explored.

7. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

(i) That there shall be a direction to the respondents to consider the application / representation of the petitioner dated 12.07.2021 to avail the One Time Settlement facility extended by the respondent to the similarly placed persons and accordingly decide the same on merits and in accordance with law and also on the basis of the concession being given to the similarly placed persons. The said decision can be made by the respondents within six weeks from the date of receipt of a copy of this order and once a decision is taken, the same can be communicated to the petitioner. On receipt of the same, the petitioner shall come forward to settle the dues at one stretch or as per the



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directions issued in this regard by the respondent TIIC within a time frame to be stipulated in this regard by the TIIC.

(ii) Since the copy of the said application and representation dated 12.07.2021 has not been filed before this Court and it is submitted only by the learned counsel appearing for the petitioner that, such an application has already been made to the respondents, a copy of the said representation/application dated 12.07.2021 shall also be annexed along with this order for the immediate perusal and further action on the part of the respondents as indicated above.

8. With these directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Sgl
To

1.The Managing Director,
The Tamil Nadu Industrial Investment
Corporation Ltd.,
692, Anna Salai, Nandanam,
Chennai - 600 035.

2.The Branch Manager,
The Tamil Nadu Industrial Investment
Corporation Limited,
33, South Main Street,
Thanjavur - 9.

+1cc to M/s.T.D.K.Govindarajan, Advocate Sr.60347

W.P.No.7254 of 2013

ksm[co]
srg 03/02/2022