



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Cr1.O.P. No.8013 of 2021

Class I Contractor Welfare Association,
Mangadu - Registration No.112/2021,
No.6C, CTA Garden First Avenue,
Mangadu,
Chennai - 600 122.
Rep. by its Executive Member
R. Selvaraj

... Petitioner

Vs.

1. The Central Bureau of Investigation,
Plot No.5-B, 6th Floor, CGO Complex,
Lodhi Road,
Jawaharlal Nehru Stadium Marg,
New Delhi - 110 003.
2. The Deputy Superintendent of Police,
Central Bureau of Investigation,
III Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai - 600 020.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents to register the case on the complaint given by the petitioner dated 30.03.2021 and proceed with the investigation in accordance with law.

For Petitioner	: Mr.S.Doraiswamy
For Respondents	: Mr.K.Srinivasan
	(Spl. Public Prosecutor for CBI)

O R D E R

This Criminal Original petition has been filed under Section 482 Cr.P.C., to direct the respondents to register the case on the complaint given by the petitioner dated 30.03.2021 and proceed with the investigation in accordance with law.



2. The learned counsel for the petitioner would submit that the members of the petitioner's association are engaged in Civil construction activities. The Government every year will issue Revised Standard Schedule of Rates with basic rates in respect of construction material such as cement, steel, sand etc. Normally the standard rates includes of all the taxes, frieght charges, excise duty and GST. The rates committee will fix the standard rates so that it should be adopted in the preparation of the estimate for that revenue year.

3. It has been further submitted that the cement manufacturers in Tamil Nadu have entered into an agreement with themselves and without any reasons have increased the cost by 13.23% between the period July, 2019 to preset time. Because of sudden increase in price of cement, the contractors have to incur a heavy loss and the livelihood of more than 3 lakhs employees who are engaged in construction work hae become worse and the contractors could not give quality work.

4. It is further alleged that the except the Government, no authorities has the right to increase the price of the materials and Government only has the full control over the prices of cement bag. However, the following companies ie. 1. ACC Limited, 2. Ambuja Cements Limited, 3. Grasim Cement, 4. Ultra Tech Cement Ltd., 5. Jaiprakash Associate Ltd., 6. The India Cements Ltd., 7. J.K. Cement Ltd., 8. Century Textiles and Industries Ltd. 9. Binani Cement Ltd. 10.Lafarge India Pvt. Ltd. which are manufacturer of cement had created an artificial scarcity in cement in order to gain wrongfully by increasing the prices of the Cement. In this regard, the petitioner association has forwarded the complaints against the aforesaid Cement manufacturers to the respondents 1 and 2. When the cognizable offence is made out, the respondents ought to have registered the case against the Cement companies and proceeded with the investigation in accordance with law. However, in this case though there are incriminating materials available to register the case, the respondents has not taken any action to register the case on the complaint given by the petitioner association. Hence, the petitioner association has filed this Criminal Original petitioner for issuing appropriate direction to the respondent police in this regard.

5. When the matter came up on the previous occasion, ie. 28.04.2021, the the learned Special Public Prosecutor sought for some accommodation to get instruction and the matter was posted on 03.06.2021.

6. Today, the learned Special Public Prosecutor has produced the letter dated 25.06.2021 in reference No.C-12/Crl. OP. No.8013/2021/CBI/ACB/CHN/2768/2619 wherein it is stated as



follows:

"5. Since, the complaint dated 30.03.2021 of the petitioner has already been forwarded to the Director General Police, Tamil Nadu, vide letter dated 26.04.2021 for taking necessary action as CBI has no jurisdiction to take up the matter.

6. Hence, the Hon'ble High Court may be apprised, accordingly.

7. In view of the above, as the said complaint has already been forwarded to the Director General Police, by letter dated 26.04.2021 for taking necessary action, the Director General of Police, Tamil Nadu, concerned is directed to proceed further in this regard and take necessary and appropriate action on the complaint dated 03.03.2021 filed by the petitioner herein in accordance with law within a period of four weeks from the date of receipt of copy of this order.

8. In the result, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is also closed if any.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lbm

To

1. The Central Bureau of Investigation,
Plot No.5-B, 6th Floor, CGO Complex,
Lodhi Road,
Jawaharlal Nehru Stadium Marg,
New Delhi - 110 003.
2. The Deputy Superintendent of Police,
Central Bureau of Investigation,
III Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai - 600 020.
3. The Special Public Prosecutor,
CBI Cases.



4. The Public Prosecutor,
High Court of Madras,
Chennai.

5. The Director of General of Police,
Chennai.

+1cc to Mr.S.Doraiswamy, Advocate, S.R.No.36610

Crl.O.P. No.8013 of 2021

RLD(CO)
HS(25/08/2021)