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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.18473 & 19513 of 2021

&

W.M.P.Nos.19704, 19705, 19706, 19703, 20801,
20802, 20803, 20805 of 2021

Global Packaging Industry,
Rep. by Prop R. Muthukrishnan
Shed KR-3, Teleflo Mini Industrial Estate
3/88, Mount Poonamallee High Road,
Opp L&T, Ramapuram, Chennai-600089

... Petitioner of W.P.No. 18473 of 2021

SIR Polymers,
Rep. by Partner. Indirani Muthuraman
No.7, Multi Industrial Nagar,
Gerugambakkam,
Chennai-600122

.... Petitioner of W.P.No. 19513 of 2021

-Vs-

- 1.Secretary to Government (FAC)
Micro Small and Medium Enterprises Department,
Fort. St. George, Secretariat chennai 600 009
- 2.The Regional Director
Department of Industries and Commerce,
B-30 Thiru Vi Ka Industrial Estate,
Guindy, Chennai-600 032
- 3.The Branch Manager,
Union Bank of India (Previously Corporation Bank),
Porur Branch
No.80, Kundrathur Main Road,
Madhanandhapuram, Chennai,
Tamil Nadu 600116
- 4.The Branch Manager,
HDFC bank, Nelson Manickam Road Branch No. 117,
Nelson Towers,
Nelson Manickam Road,
Chennai, Tamil Nadu, 600 029



5.The Branch Manager
Axis Bank, Kodambakkam Branch,
No.2, 2nd Main Road, United India Colony,
Chennai, Tamil nadu, 600024

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6.The Branch Manager
Clix Capital Service P.Ltd, Chennai
No. 110, Nungambakkam High Road,
Subba Road Avenue,
Nungambakkam,
Chennai, Tamil Nadu 600008

7.The Branch Manager
Bajaj Finserv, Mount Road
No. 804, 805, 806, Raheja Towers,
8th Floor, Anna salai, Mount Road,
Chennai, Tamil Nadu, 600002

8.The Branch Manager
HSBC Bank Credit Card Department
Rajalakshmi Building, No. 5 and 7,
Cathedral Road,
Chennai Tamil Nadu 600004

...Respondents in W.P.No.18473 of 2021

1.Secretary to Government (FAC)
Micro Small and Medium Enterprises Department,
Fort. St.George, Secretariat Chennai-600 069

2.The Regional Director
Department of Industries and Commerce,
B-30 Thiru Vi Ka Industrial Estate,
Guindy Chennai-600 032

3.The Branch Manager,
Canara Bank (Previously Syndicate bank),
Retail Loan centre
No.331, Lingi Chetty street,
Parry Chennai-600 001

4.The Branch Manager,
Canara Bank (Previously Sydicac bank),
Porur Branch No.50, 1st floor, Trunk Road,
Porur Chennai-600116

5.The Branch Manager,
Electronica Finance Ltd., Ambattur,
No.1167, 57th Street,
TVS Colony, Anna Nagar west Extn.,
Chennai, TamilNadu-600101



6.The Branch Manager
Capital Float,
Shyamala Towers, Abbusali Street,
Saligraman, Chennai, TamilNadu-600 093

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..Respondents for W.P.No. 19513 of 2021

Common Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of an appropriate order or direction or Writ of Certiorarified Mandamus to call for records relating to the G.O(Ms.)No.74 dated 24.11. 2020 and quash the same and consequently direct the respondent to consider the plight of petitioner representation dated 15.12.2020 seeking to include all the loans availed by the effected MSMEs including the petitioner.

For Petitioner : Mr. R.Karunakaran
in both Wps

For Respondents : Mr. A.Selvendran
in both WPs Government Advocate

C O M M O N O R D E R

The issue involved in both the writ petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2. When the matter was taken up for admission on 03.09.2021, this Court passed the following order:-
Mr.A.Selvendran, learned Government counsel, takes notice for the respondents 1 and 2.

2. The main grievance that has been ventilated by the petitioner Association is that the industries, which are members of the association, were dealing with one time use and throw away plastics, which was banned by the Government of Tamil Nadu through G.O.Ms.No.84 dated 25.06.2018. While doing so, the State Government took into consideration the industries, which were involved in the manufacture of throw away plastics and wanted to give them some relief. Accordingly, G.O.Ms.No.74 dated 24.11.2020 was issued and Clause 8 of the said G.O., provides for relief package for the MSMEs, who are affected due to the ban of the throw away plastics. The grievance of



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the petitioner association is that this Government Order has not been properly implemented and as a result of the same, the industries, which are already suffering from severe financial constraints are being pressurized by the financial institutions to repay back the loans and they are yet to be given the relief package as provided under the Government order. The representation made by the petitioner association was also not considered.

3. The petitioner association is directed to make a fresh representation to the first respondent providing all the details along with all relevant documents. This representation shall be given within a period of one week from the date of receipt of a copy of this order. The first respondent, on receipt of the same, shall consider it and take a decision and the decision taken shall be given by way of written instructions to the learned Government counsel and the same shall be submitted before this Court.

4. Post this case under the caption immediately after admission on 04.10.2021.

3. Pursuant to the above order, the association made a representation to the Government on 01.10.2021 and requested for the implementation of the relief package that was contemplated under G.O.Ms.No.74 dated 24.11.2020. On receipt of the representation from the association, the industries Commissioner and Director of Industries and Commerce gave a proposal through proceedings dated 11.10.2021 to the Government. A copy of the proposal was also placed before the Court. The concerned authority requested the Government to approve the recommendation made through this proceeding.

4. On receipt of the proposal, the Government took a decision in accordance with G.O.Ms.No.74 dated 24.11.2021 and calculated the total amount to be distributed among the various units in accordance with the Government order. The written instructions received from the Regional Joint Director of Industries and Commerce, dated 13.10.2021 was also placed before this Court.

5. Heard the learned counsel for the petitioner and learned counsel appearing on behalf of the respondents.



5. Taking into consideration the above development, the sanctioned amount shall be disbursed to the concerned units within a period of 4 weeks from the date of receipt of copy of this order. Insofar as the dispute as between the petitioners and the creditor banks, the same has to be worked out independently in accordance with law.

6. Both the writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sha/rka

To

1. Secretary to Government (FAC)
Micro Small and Medium Enterprises Department,
Fort. St. George,
Secretariat chennai 600 009
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Department of Industries and Commerce,
B-30 Thiru Vi Ka Industrial Estate,
Guindy,
Chennai-600032
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Tamil Nadu 600116



- 4.The Branch Manager,
HDFC bank, Nelson Manickam Road Branch No. 117,
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Chennai, TamilNadu-600101

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Shyamala Towers, Abbusali Street,
Saligraman, Chennai, TamilNadu-600 093

+1cc to Mr.R.Karunakaran, Advocate, S.R.No.54540

+1cc to the Government Pleader, S.R.No.55079

Writ Petition 18473 & 19513 of 2021
& W.M.P.Nos.19704, 19705, 19706, 19703,
20801, 20802, 20803, 20805 of 2021

CP(CO)
SU(17/11/2021)