

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.15289 of 2020

and

WMP No.19114, 19725 of 2020 and 2835 of 2021

M/s.Sri Nidhi Textile,
Represented by its Proprietor, S.Nivetha Petitioner

Vs.

The Branch Manager,
The Tamil Nadu Industrial Investment Corporation Ltd.,
C.S. Sengottiah Complex
2nd Floor,
23, Chidambaram Colony,
80 Feet Road,
Periyar Nagar,
Erode - 638 001. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the notice of the respondent in TIIC/ERD/LAO/2019-2020, dated 13.03.2020 and to quash the same as illegal, incompetent and ultravires and consequently direct the respondent to de-seal the petitioner business unit in D.No.2/276, R.S. No.90/11F, (SF Nos.90/11 to 16), Vijayapuri Village, Perundurai Taluk, Erode District and permit the petitioner to run the business.

For petitioner : Mr.M.Guruprasad

For Respondent : Mr.K.Magesh

ORDER

This Court by its earlier order dated 05.11.2020 has directed the petitioner to pay a sum of Rs.5,00,000/- to the respondent on or before 23.11.2020 and a further direction was also issued directing the petitioner to pay a further sum of Rs.10,00,000/- on or before 04.01.2021.

2. WMP No.2835 of 2021 has been filed seeking for extension of time to make the second part of the payment viz.,

Rs.10,00,000/- which ought to have been paid on or before 04.01.2021.

3. Today, the learned counsel for the petitioner has brought a xerox copy of the Demand Draft for a sum of Rs.2,00,000/- favouring the respondent and seeks further extension of time for making the balance payment of Rs.8,00,000/- as per the directions of this Court issued on 05.11.2020.

4. The learned counsel for the respondent on instructions has received the xerox copy of the demand draft which will be substituted by the original Demand Draft today itself. The learned counsel for the respondent on instructions would further submit that they will remove the seal from the petitioner's premises on receipt of the original Demand Draft from the petitioner today. However, he would submit that the balance amount of Rs.8,00,000/- that is due and payable by the petitioner as per the conditional order dated 05.11.2020 passed by this Court will have to be paid within a period of five weeks from today i.e. on or before 28.03.2021. For this submission, the learned counsel for the petitioner on instructions gives consent.

5. After hearing the submissions made by the respective learned counsels, the following directions are issued by this Court:

a) the petitioner shall hand over the original Demand Draft for a sum of Rs.2,00,000/- favouring the respondent to the respondent today itself.

b) On receipt of the aforesaid original Demand Draft for a sum of Rs.2,00,000/-, the respondent shall remove the seal from the petitioner's premises forthwith.

c) The petitioner shall pay the balance sum of Rs.8,00,000/- as directed by this Court in its earlier order dated 05.11.2020, within a period of five weeks from today i.e. on or before 28.03.2021. In case the petitioner fails to pay the aforesaid sum before the stipulated date, the respondent is empowered to seal the premises of the petitioner once again.

6. The petitioner shall give a fresh representation to the respondent seeking for payment of the outstanding amount under the one time settlement scheme to the respondent, which shall be considered by the respondent, on or before 28.03.2021.

7. Accordingly, the order dated 05.11.2020 passed by this Court shall stand modified.

8. In terms of above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Post the matter for reporting compliance on 30.03.2021.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

1.The Branch Manager,
The Tamil Nadu Industrial Investment Corporation Ltd.,
C.S. Sengottiah Complex
2nd Floor,
23, Chidambaram Colony,
80 Feet Road,
Periyar Nagar,
Erode - 638 001.

2.The Section Officer,
Writ Section, High Court Madras.

+1 cc to M/s.K.Magesh, Advocate Sr.No. 9316

+1 cc to M/s.M.Guruprasad, Advocate Sr.No. 9563

RGN (CO)
RMP (19/02/2021)

W.P. No.15289 of 2020

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