



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.11255 of 2022

M/s. Concrete Udyog Limited,
rep. by its Authorized Signatory,
Piyush Chadha,
Plot No.5 6 7, Industrial Area Bijoli,
Jhansi,
Uttar Pradesh - 284 003.

.. Petitioner

Vs.

State Industrial Promotion,
Corporation of Tamil Nadu Limited,
19-A, Rukmani Lakshmipathy Road,
Egmore,
Chennai - 600 008.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondent to act upon the representations of the Petitioner dated 09.03.2022 and 07.04.2022 and consequently to issue the 'No-Objection Certificate' (NOC) to the Petitioner forthwith to mortgage the Plot bearing NN-6PT allotted to the Petitioner in the SIPCOT Industrial Growth Centre Perundurai Phase-II, Erode District for availing financial assistance from financial institutions/banks.

For Petitioner : Mr.T.Gowthaman

For Respondent : Mr.M.Karthikeyan

O R D E R

The petitioner has come out with the present Writ Petition for a direction to the respondent to consider the representations of the petitioner dated 09.03.2022 and 07.04.2022 and to issue the 'No-Objection Certificate' (NOC) to the petitioner.

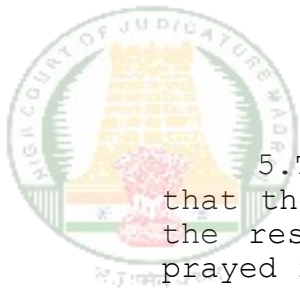
2.By consent of both the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent, this Writ Petition is taken up for final disposal at the admission stage itself.



3. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent and perused the entire materials on record.

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4. The petitioner company is engaged in the business of manufacturing concrete products such as, pre-stressed cement concrete poles, reinforced cement concrete poles and pre-stressed concrete pipes. The respondent formed an Industrial Complex at the SIPCOT Industrial Growth Centre Perundurai Phase-II, Erode District, wherein the petitioner was allotted a plot bearing NN-6PT with an extent of 4.45 acres, vide allotment order dated 21.06.2019, bearing Ref.No.DI/SIGC-P/Concrete/2018, by way of lease under the lease deed dated 06.01.2020. As per Clause 9 of the Allotment Order and Clause 40 (a) of the Lease Deed, the respondent has to provide a 'No Objection Certificate' if requested by the petitioner to mortgage the allotted plot for availing financial assistance from financial institutions and banks. The petitioner has to avail financial facilities for the construction of the plant and to commence commercial production as per the terms of the lease deed. Therefore, the petitioner submitted the application dated 14.08.2021 to the respondent for issuance of No Objection Certificate so as to enable them to avail the financial facility from M/s.Yes Bank to commence the commercial production within the stipulated time. In response to the application of the petitioner dated 14.08.2021, the respondent sent a communication dated 01.10.2021 to the petitioner to furnish the schedule of implementation of the project and consent from the Tamil Nadu Pollution Control Board, to enable them to issue the No Objection Certificate. After receiving the said communication dated 01.10.2021, the petitioner without any delay, has furnished the requisite details and documents to the respondent. Even after receiving the same from the petitioner, the respondent has not issued the No Objection Certificate. Hence, the petitioner has sent several reminders to the respondent from December 2021 to February 2022 requesting for the No Objection Certificate. In the said reminders also, the petitioner has stated that the bankers of the petitioner were awaiting for the No Objection Certificate from the respondent to release the financial facilities. Despite the same, the respondent has not issued the No Objection Certificate. Therefore, the petitioner has sent representations dated 03.03.2022 and 07.04.2022 to the respondent for issuance of No Objection Certificate. Since no orders has been passed on the said representations, the petitioner has come out with the present Writ Petition. The learned counsel appearing for the petitioner submitted that a direction may be issued to the respondent to consider the representations of the petitioner and prayed for allowing the Writ Petition.



5.The learned counsel appearing for the respondent submitted that the representations of the petitioner will be considered by the respondent within the time frame fixed by this Court and prayed for dismissal of Writ Petition.

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6.From the above materials, it is seen that the petitioner is seeking No Objection Certificate from the respondent so as to enable them to avail the financial facility from M/s.Yes Bank to commence the commercial production within the stipulated time. Considering the submissions of the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent, without deciding the issue on merits, the respondent is directed to consider the representations of the petitioner dated 09.03.2022 and 07.04.2022 and pass orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

7.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

krk
To

State Industrial Promotion,
Corporation of Tamil Nadu Limited,
19-A, Rukmani Lakshmipathy Road,
Egmore,
Chennai - 600 008.

+1 cc to Mr.T.Gowthaman, Advocate Sr.NO. 30492

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GMR(CO)
A.SK(16/05/2022)