



W.P.No.32967 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2022

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.32967 of 2014

M/s.Empee Hotel Limited,
Having its registered office at,
59, Harris Road, Pudupet,
Chennai-600 002
represented by its
Managing Director Nisha Purushothaman.

... Petitioner

versus

1.Union of India,
Represented by Secretary to Government,
Ministry of Finance,
Department of Economic Affairs,
Government of India,
North Block, New Delhi.

2.The Secretary (Banking),
Department of Finance,
Government of India,
New Delhi.

3.Reserve Bank of India,
Rep.by its Chief General Manager,
Central Office Building,
Shahid Baghat Singh Road,
Mumbai-1.

... Respondents



W.P.No.32967 of 2014

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent with respect to the impugned notification dated 07.10.2013 in F.No.13/6/2009-INF and the consequential circular of the 3rd respondent dated 15.07.2014 in RBI/2014-15/126 DBOD No.BP.BC.24/21.04.132/2014-15, quash the same in so far as it prescribes an artificial cut-off date and period for the purpose of defining a hotel industry as an Infrastructure Project and consequently direct the respondents to amend the updated Harmonized Master List of Infrastructure Sub-sectors by including all hotel projects above the value of Rs.200 Crores regardless of dates of sanctioning of loan.

For Petitioner : Mr.S.Vijay Narayan,
Standing Counsel

For Respondents : Mr.C.Mohan
for M/s.King & Patridge [R3]
No Appearance for R1 and R2

ORDER

This writ petition is filed challenging to quash the impugned notification dated 07.10.2013 and the consequential circular of the 3rd respondent dated 15.07.2014.

2. The learned counsel appearing for the 3rd respondent/Reserve Bank of India has filed counter.



W.P.No.32967 of 2014

3. Aggrieved by the said circular issued by the Reserve Bank of India dated

15.07.2014, the petitioner preferred this writ petition.

4. Since the Reserve Bank of India has now repealed the earlier circular and issued new circular dated 07.06.2019 and the notification issued by the Government also may not be applicable, the writ petition is dismissed as having become infructuous. The learned counsel for the petitioner however seeks indulgence of this Court to give liberty to either get the benefit of the new circular or challenge the new circular, if it is required such liberty is granted. No costs.

28.09.2022

Index : Yes/No
Internet : Yes/No
ssn



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W.P.No.32967 of 2014

S.S.SUNDAR, J.,

ssn

To

1.The Secretary to Government,
Union of India,
Ministry of Finance,
Department of Economic Affairs,
Government of India,
North Block, New Delhi.

2.The Secretary (Banking),
Department of Finance,
Government of India,
New Delhi.

3.The Chief General Manager,
Reserve Bank of India,
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W.P.No.32967 of 2014

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