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WP.No.32829 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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A.S. Carriers [P] Ltd.,
Rep. by its Director – Finance, Mr.S.Sundararajan
173/103, 9th Floor, Block 'B', Navind Presidium,
Nelson Manickam Road, Aminjikarai,
Chennai – 600 029.

... Petitioner

Vs

1. The State Industries Promotion Corporation of Tamilnadu Ltd.,
Rep. by its Chairman and Managing Director,
19-A, Rukmani Lakshmipathy Road, Egmore, Chennai – 600 008.

2. Axis Bank Ltd.,
Rep. by the Centre Head,
CBG Centre, Yamini Tower,
153, Velachery Main Road, Velacherry,
Chennai – 600 042.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider and dispose of the application in NOC Ref.No: NOCO594 dated 17.12.2021 and NOC Ref No: NOCO597 dated 17.12.2021 of the petitioner company herein on the file of the first respondent and consequently direct the first



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respondent to issue the NOC in favour of the second respondent-Bank within a time frame fixed by this Court in accordance with law.

For Petitioner : Mr.J.V.Niranjan

For Respondents : Mr.K.Palaniappan,
Standing Counsel – R1

ORDER

This Writ Petition has been filed to direct the first respondent to consider and dispose of the application in NOC Ref.No: NOCO594 dated 17.12.2021 and NOC Ref No: NOCO 597 dated 17.12.2021 of the petitioner company herein on the file of the first respondent and consequently direct the first respondent to issue the NOC in favour of the second respondent-Bank within a time frame fixed by this Court in accordance with law for the purpose of obtaining loan from the second respondent bank.

2. The grievance of the petitioner is that the application given by the petitioner for issuing No Objection Certificate has been rejected by the first respondent on the ground that sub lease charges have not been paid by the



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petitioner. It is the contention of the petitioner that with regard to sub lease charges, the petitioner has filed a Writ Petition in W.P.No.5446 of 2016 and this Court by an Order dated 26.08.2022 has set aside the sub lease charges. Despite the above Order, the first respondent is insisting the petitioner to pay the sub lease charges to issue No Objection Certificate.

3. Whereas the learned Standing Counsel appearing for the first respondent would submit as against the Order of the Single Judge, an appeal has been filed by the first respondent in W.A.SR.No.131649 of 2022. The learned Standing Counsel would further submit that apart from sub lease charges, other deposits and charges have to be paid by the petitioner and hence, seeks time to file counter.

4. Admittedly, the Single Bench of this Court has set aside Order of the first respondent, directing the petitioner to pay the sub lease charges. As the question of paying sub lease charges has already been set side by the Single Bench of this Court and as there is no stay obtained, the first respondent cannot insist the petitioner to pay the sub lease charges. Hence, the first respondent is directed to issue No Objection Certificate within a



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period of 10 days from the date of receipt of a copy of this Order. Any other amount payable by the petitioner towards issuance of No Objection Certificate, the same can be adjusted from the deposit made by the petitioner before the authorities. It is also made clear that in the event the appellate Court takes a different view, the petitioner has to pay the sub lease charges and the first respondent is entitled to recover the same.

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

16.12.2022

vrc

To

1. The State Industries Promotion Corporation of Tamilnadu Ltd.,
Rep. by its Chairman and Managing Director,
19-A, Rukmani Lakshmipathy Road, Egmore, Chennai – 600 008.
2. Axis Bank Ltd.,
Rep. by the Centre Head,
CBG Centre, Yamini Tower,
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N.SATHISH KUMAR, J.

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