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W.P.No.2341 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

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MR.JUSTICE N.SESHASAYEE

W.P.No.2341 of 2021
and W.M.P.Nos.2660 and 2662 of 2021

M/s.Periyapalaym Common Effluent Treatment Plant Pvt. Ltd.,
Represented by its Managing Director,
M.Babu Sankar,
Son of S.Muthuswamy,
1/560/12A, Karupparayan Kovil Street,
Nanjapa Nagar, Puluvaipatti,
Tirupur-641 602

... Petitioner

Vs.

1.Government of Tamil Nadu,
Handlooms, Handicrafts, Textiles and Khadi Department,
Represented by its
Principal Secretary to the Government,
Mr.Shambhu Kallolika,
Handlooms, Handicrafts, Textiles and Khadi Department,
Secretariat.
Chennai-600 009.



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2.Tamil Nadu Water Investement Company Ltd.
Rep. by its Chief Executive Officer,
Mr.Ashok Natarajan Krishnamurthy
Polyhose Towers, 1st Floor, No.86, Anna Salai,
Guindy, Chennai-600 032.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the 1st respondent in issuing the impugned G.O.Ms.No.135, Handlooms, Handicrafts, Textiles and Khadi (C2) Dept., dated 10.12.2020 appointing the 2nd respondent as the single operator for all the 18 CETPs in the Tirupur Cluster and quash the same.

For Petitioner : Mr.V.Lakshai Sajin Kumar

For Respondents : Mr.V.Manoharan
Additional Government Pleader for R1

Mr.S.Raghunathan for R2

ORDER

For managing the hazardous waste from the dyeing Industry, the Government came out with a proposal to have Common Effluent Treatment Plants (in short "CETP") to be operated and serviced exclusively by the Tamil Nadu Water Investment Company Ltd., a Government aided company. The petitioner herein



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has availed the services of this company for its operation and maintenance and it also alleged to owe couple of Crores of Rupees. In the meantime, alleging that the quality of service provided by the said company is inadequate, the petitioner approached the Director of Handlooms and Textiles, the Government of Tamil Nadu for permitting it to approach other CETP operators for the said purpose. The Director of Handlooms and Textiles has allowed the petitioner to engage other CETP operators. Alleging that the Director of the Handloom and Textiles does not have any authority to relax the monopoly which the Tamil Nadu Water Investment Company held in terms of the G.O., by which the original arrangement was made, the latter mentioned company had preferred W.P.No.12872 of 2020.

2.This Court is now informed that the Government has now come forward with another G.O.(Ms).No.184, Handicrafts, Textiles and Khadi (C2) Department, dated 28.11.2022, in terms of which the petitioner's plant is permitted to avail the services of other CETP operators in the market but added a rider that the petitioner may have to settle its dues to the Tamil Nadu Water Investment Company.



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3.Learned counsel for the petitioner has challenged the monopoly of the Tamil Nadu Water Investment Company. The G.O., now passed in effect resolves the issue and the monopoly which the Tamil Nadu water Investment Company had in this branch of industry is now exposed to competition, but at the same time, the G.O also secures its interest with its rider. Effectively given the scope of the petitioner, it does not have a cause of action any more for it to stay on the docket of this Court any longer.

4.Learned counsel for the 2nd respondent informs the Court that the petitioner has admitted liability of Rs.78,86,636/- vide its communication dated 24.06.2019. This is followed by another letter dated 15.07.2019 confirming the liability.

5.As far as the petitioner in this case is concerned, he may now be under an obligation to pay the 2nd respondent a sum of Rs.78,86,636/- with necessary interest if applicable in terms of the contract between the parties, and he may not obtain the benefit of the G.O.(Ms).No.184, Handicrafts, Textiles and Khadi (C2) Department, dated 28.11.2022 and go to the open market unless this liability is



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addressed.

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6. Subject to what is herein above stated, this writ petition stands disposed of. No Costs. Consequently, the connected miscellaneous petitions are closed.

19.07.2023

(3/3)

Anu

Index : Yes / No

Neutral citation : yes/no

To

1. Government of Tamil Nadu,
Handlooms, Handicrafts, Textiles and Khadi Department,
Represented by its
Principal Secretary to the Government,
Mr. Shambhu Kallollikar,
Handlooms, Handicrafts, Textiles and Khadi Department,
Secretariat.
Chennai-600 009.

2. Tamil Nadu Water Investment Company Ltd.
Rep. by its Chief Executive Officer,
Mr. Ashok Natarajan Krishnamurthy
Polyhose Towers, 1st Floor, No.86, Anna Salai,
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N.SESHASAYEE, J.

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