



WEB COPY



W.A.No.1814 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.No.1814 of 2023

M/s.Atlas Crane Private Limited,
rep. by its Director, M.Senthil Muthu,
14B & C, SIDCO Industrial Estate,
Kakkalur, Tiruvallur District-602 003.

.. Appellant

Vs

1.The Chairman & Managing Director,
Tamil Nadu Small Industries
Development Corporation Ltd.,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai – 600 032.

2.The Branch Manager,
Tamil Nadu Small Industries
Development Corporation Ltd.,
SIDCO Branch Office,
SIDCO Industrial Estate,
Kakkalur,
Thiruvallur-602 003.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent to set aside the order dated 28.10.2022 passed in W.P.No.28310 of 2016 by the learned Single Judge.



W.A.No.1814 of 2023

WEB COPY

For the Appellant : Mr.G.RM. Palaniappan

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.G.RM.Palaniappan, learned counsel for the appellant.

2. The order dated 28.10.2022 passed by the learned Single Judge in the writ petition is assailed.

3. The appellant had filed the writ petition challenging the proceedings issued by the second respondent calling upon the appellant to pay the revised plot cost, in default of which it was stated that the allotment would be cancelled.

4. During the pendency of the writ petition, the second respondent fixed the final plot cost and after deducting the tentative plot cost, directed the appellant to pay Rs.11,14,535/-



W.A.No.1814 of 2023

[Rupees Eleven Lakhs Fourteen Thousand Five Hundred and Thirty Five only] with further interest at the rate of 15% per annum.

5. Learned counsel for the appellant submits that the appellant had paid the land cost along with interest in the year 2012. In view of that, it was not open for the respondents to again revise the plot cost at the rate applicable during 2012 and demand higher amount from the appellant. Learned counsel submits that the learned Single Judge did not consider the said aspect.

6. We have gone through the order passed by the learned Single Judge and considered the submissions canvassed by learned counsel for the appellant.

7. The learned Single Judge relied upon Clause 2 of the allotment letter which suggests that if the entire cost of the plot



W.A.No.1814 of 2023

is not paid by the allottee within the time limit, the plot cost shall be paid at the rate fixed relevant to the financial year during which the plot cost is paid in full. The appellant was allotted with the plot in question in the year 2009. It was required to remit the entire amount within six months. However, the appellant paid a sum of Rs.10,00,000/- [Rupees Ten Lakhs only] on 24.2.2012 and another sum of Rs.43,46,665/- [Rupees Forty Three Lakhs Forty Six Thousand Six Hundred and Sixty Five only] on 27.3.2012. The appellant paid the original tentative cost with interest on 27.3.2012. As such, the second respondent calculated the revised land cost as applicable for the year 2012. The appellant did not pay the difference in plot cost and, hence, the appellant is liable to pay it with interest.

8. The learned Single Judge has considered the terms of the allotment letter and the contentions of appellant threadbare and has not committed any error while passing the impugned



W.A.No.1814 of 2023

order.

WEB COPY

The writ appeal, as such, is dismissed. There will be no order as to costs. Consequently, C.M.P.No.15932 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

21.07.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

1.The Chairman & Managing Director,
Tamil Nadu Small Industries
Development Corporation Ltd.,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai – 600 032.

2.The Branch Manager,
Tamil Nadu Small Industries
Development Corporation Ltd.,
SIDCO Branch Office,
SIDCO Industrial Estate,
Kakkalur,
Thiruvallur-602 003.



WEB COPY



W.A.No.1814 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU,J.

(sasi)

W.A.No.1814 of 2023

21.07.2023