



WEB COPY



W.P. No. 8697 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

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

W.P. No. 8697 of 2021

and

W.M.P. No. 9233 of 2021

M/s. Sri Ganga Steels Enterprises Private Limited,
Represented by its Authorized Signatory,
K.Sudhakar, S/o. Kuppan,
Plot No. B-41(S), SIPCOT Industrial Complex,
Gummidipoondi.

... Petitioner

-VS-

1. The Managing Director,
SIPCOT, P.B.No. 7223,
No. 19-A, Rukmani Lakshmipathy Road,
Egmore,
Chennai – 600 008.
2. The Project Officer,
SIPCOT Industrial Complex,
Gummidipoondi.
3. The Estate Officer,
SIPCOT Industrial Complex,
Gummidipoondi.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari to call for the records in proceedings vide reference letter P-II/SICG/Sri Ganga/2001 dated 05.01.2021 on the file of the 1st respondent and quash the same.



WEB COPY



W.P. No. 8697 of 2021

For Petitioner : Ms. K.Jayasudha

For Respondents : Mr. R.Gunalan, Standing Counsel

ORDER

Heard Ms. K.Jayasudha, Learned Counsel for the Petitioner and Mr. R.Gunalan, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner was allotted Plot Nos. B-41 (S) measuring an extent of 1.64 acres situated in SIPCOT Industrial Complex, Gummidipoondi by Proceedings No. AD5/GMP/652/2001 dated 30.05.2001 by the First Respondent for the purpose of storing raw materials and finished goods (iron and steel) and a lease deed dated 08.07.2001 was executed for the same between the parties. Since the Petitioner did not comply with condition no. 20 of the said allotment order and clause nos. 18 and 19 of that lease deed creating an obligation on the Petitioner to commence the construction of the factory building within six months, complete the same within 24 months and to commence commercial/trial production within 30 months from the date of allotment order, despite lapse of more than 19 years, the Respondent by



W.P. No. 8697 of 2021

Proceedings in P-II/SIGC/652/Sri Ganga/2001 dated 05.01.2021 in the exercise

of powers under condition no. 6 of the said allotment order and clause no.

15(a) of that lease deed, cancelled the allotment of the said plot and required

the Petitioner to execute the surrender deed within 15 days from the date of its

receipt, failing which it has been informed that the plot would be resumed

under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants)

Act, 1975, which is assailed in this Writ Petition.

3. When the matter is taken up for hearing today, Learned Counsel for the Petitioner has filed a memo dated 07.11.2023, which reads as follows:-

“1. It is most respectfully submitted that Corporate Insolvency Resolution Process was instituted by the Hon'ble NCLT, Hyderabad vide its order dated 31.10.2022 in CP(IB) 164/2022. Pursuant to the failure of successful resolution, the Petitioner company was ordered to be liquidated by the Hon'ble NCLT, Hyderabad in TA(IBC)/1301/2023 in CP (IB) 164/2022 dated 28.08.2023 and Mr.Abhay Narayan Manudhanee was appointed as the Liquidator of the Petitioner Company.



W.P. No. 8697 of 2021

2. *It is respectfully submitted that the Board of the Petitioner Company has been suspended and the Petitioner company has to be represented by the Liquidator, Mr. Abhay Narayan Manudhane to prosecute the WP 8697 of 2021 pending adjudication before this Hon'ble Court.*

3. *We are instructed to state that the erstwhile directors of the Petitioner Company have informed the liquidator about the pendency of this Writ Petition before this Hon'ble Court and in this circumstances, this Hon'ble Court may pass appropriate order as this Hon'ble Court deems fit in the interest of justice”*

The copy of the order dated 28.08.2023 in I.A. No. 1301 of 2023 in C.P. (IB) No. 164/7/HDB/2022 passed by the National Company Law Tribunal Hyderabad Bench – II, Hyderabad has also been placed on record.

4. As the required steps for amendment to further prosecute this Writ Petition by the Liquidator has not been taken, no useful purpose would be served in keeping the Writ Petition pending indefinitely.



W.P. No. 8697 of 2021

In such circumstances, the Writ Petition is dismissed without expressing any view on the merits of the controversy involved in the matter. However, it would not preclude any person stepping into the shoes of the Petitioner from applying for revival of the Writ Petition in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

07.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 24.05.2024.

ns1

To

1. The Managing Director,
SIPCOT, P.B.No. 7223,
No. 19-A, Rukmani Lakshmipathy Road,
Egmore,
Chennai – 600 008.
2. The Project Officer,
SIPCOT Industrial Complex,
Gummidipoondi.
3. The Estate Officer,
SIPCOT Industrial Complex,
Gummidipoondi.



WEB COPY



W.P. No. 8697 of 2021

P.D. AUDIKESAVALU, J.

ns1

W.P. No. 8697 of 2021

07.11.2023