



WEB COPY



W.P.No.9681 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9681 of 2023

and

W.M.P.No.9741 of 2023

Caparo Engineering India Limited
Rep.by its Director Shri.Vinod Kumar Bapna
Having registered office at
1007-1010, 10th floor,
Kailash Building, 26 K.G.Marg,
New Delhi – 110 001.

...Petitioner

Vs.

The Managing Director,
State Industries Promotion Corporation of
Tamil Nadu,
19-A, Rukmani Lakshmipathy Road,
Egmore,
Chennai – 600 008.

..Respondent

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the Respondent leading to the issue of the Impugned proceedings dated 04.08.2021 bearing No.P-III/SIP-SPR/5/Caparo/2006 and quash the same in so far as the condition to utilize the balance extent of 60.68 Acres of land within a period of 18 months is concerned (i.e) by March 2023 and direct



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the Respondent to extend the time limit by a further 36 months from March 2023 for the utilization of an extent of 60.68 Acres of land, forming part and parcel of the total extent of 118 Acres of land allotted to Caparo Engineering India Limited Bearing Plot No.T1 and T2, SIPCOT Industrial Area, Sandavellur / Thirumangalam Village, Sriperumbudur Taluk, Kancheepuram.

For Petitioner : Mr.K.Sridhar

ORDER

The order dated 04.08.2021 issued by the respondent / SIPCOT, stating that No Objection Letter will be issued separately to mortgage the leasehold rights of the land for the reduced extent of 90.66 acres (118.66 acres – 28.00 acres) in Plot No.T-1 & T-2 pt. at SIP, Sriperumbudur to avail financial assistance from the bankers, subject to execution / registration of surrender deed.

2. The learned counsel for the petitioner mainly contended that the petitioner submitted a representation to the respondent on 15.03.2023, seeking further time of 36 months to commission / expansion of the factory.



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3. The learned counsel for the petitioner states that the time limit of 18 months granted by the respondent would be insufficient to commission the entire expansion of project and therefore, further time is to be granted. The learned counsel for the petitioner reiterated that 15 months time had already been taken for getting No Objection and to complete other formalities and therefore, the petitioner require another 36 months for the purpose of expansion of the project.

4. Industrial activities are administered based on the policy decision of the Government. The learned counsel for the petitioner states that there are certain genuine grievances in the matter of delay in getting No Objection from the authorities. Court cannot decide such policy matters in the matter of extension of time to be granted for commissioning of an industry or for its expansion. The authorities have to take a practical and pragmatic view in such matters and if the genuinity is established, then they will have to consider the request in the interest of the development of the industries in the locality. All mitigating factors are to be considered by the competent authority.



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5. In the present case, the petitioner has submitted a representation to the authorities to extend time for expanding the projects.

6. This being the factum, the respondent shall look into the representation, whether the petitioner is eligible and entitled for such relief or not and take appropriate decision.

7. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.03.2023
(½)

Index : Yes
Speaking order/Non-Speaking order
Neutral Citation:Yes/No

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S.M.SUBRAMANIAM, J.

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