



W.P.Nos.8541 and 12872 of 2020, W.P.No.3030 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.Nos.8541 and 12872 of 2020
and W.P.No.3030 of 2021
and W.M.P.Nos.10323 and 10324 of 2020
W.M.P.Nos.15921 and 15922 of 2020
W.M.P.Nos.3418 and 3420 of 2021

W.P.Nos.8541 of 2020

Kasipalayam Common Effluent
Treatment Plant Pvt. Limited,
Rep. by Chairman,
R.Shanmugam,
CETP Gardens, S.F.No.250/1,
S.Periyapalayam (PO),
Tiruppur-641 607

... Petitioner

Vs.

1.The Director of Handlooms and Textiles,
Government of Tamilnadu,
Kuralagam,
Second Floor,
Chennai-600 104.

2.The Assistant Director of
Handlooms and Textiles,
Tiruppur.
Pin 641 607.



W.P.Nos.8541 and 12872 of 2020, W.P.No.3030 of 2021

3.M/s.Tamil Nadu Water
Investment Company Ltd.,
1st Floor, Polyhouse Towers,
No.86, Mount Road,
Guindy,
Chennai-600 032

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records made in Letter RC.No.146202/2012/K1-2, dated 15.06.2020 and proceedings RC.No.14202/2012/K1, dated 15.06.2020 on the file of the first respondent and quash the same and direct the first respondent to permit the petitioner to implement the order of the first respondent dated 11.06.2020.

For Petitioner : Mr.M.L.Joseph
for Chennai Law Associates

For Respondents : Mr.V.Manoharan
Additional Government Pleader for R1 and R2

Mr.S.Raghunathan for R3

W.P.No.12872 of 2020

Tamilnadu Water Investment Company Limited,
Rep. herein by its Authorized Signatory,
'Polyhose Towers'
No.86, Mount Road,
Guindy, Chennai-600 032, represented herein
by its Authorized Signatory

... Petitioner



W.P.Nos.8541 and 12872 of 2020, W.P.No.3030 of 2021

Vs.

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1.The Director of Handlooms and Textiles,
Department of Handlooms and Textiles,
Kuralagam, 2nd Floor,
Chennai-600 108.

2.The Assistant Director of Handlooms and Textiles,
Office of the Director Collector, Collectorate,
Room No.504, 5th Floor,
Tiruppur- 641 604.

3.The State of Tamil Nadu,
Represented by the Principal Secretary to the Government,
Handlooms, Handicrafts, Textiles and Khadi Department,
The Government of Tamil Nadu,
Secretariat, Chennai-600 009.

4.Kasipalayam Common Effluent
Treatment Plant Pvt. Limited,
CETP Gardens, S.F.No.250/1,
S.Periyapalayam (PO),
Tiruppur-641 607

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records of the 1st and 2nd respondents culminating in the orders dated 11.06.2020 bearing Ref. RC.No.14202/2012/K1 as modified by the orders dated 15.06.2020 bearing Ref.RC.No.14202/2012/K1 and 146202/2012/K1-2 and 18.07.2020 bearing RC.No.14604/2013/K1 and quash the same and consequently direct the 3rd respondent to issue appropriate orders to continue the petitioner as a PMA and O & M Agency of the said CETP.



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For Petitioner : Mr.S.Raghunathan

For Respondents : Mr.V.Manoharan
Additional Government Pleader for R1 and R3

Mr.M.L.Joseph
for Chennai Law Associates

W.P.Nos.3030 of 2021

Kasipalayam Common Effluent
Treatment Plant Pvt. Limited,
Rep. by its Director Mr.R.Shanmugam,
CETP Gardens, S.F.No.250/1, Kumar Nagar,
S.Periyapalayam (PO),
Tiruppur,
Tamil Nadu -641 607

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Handlooms, Handicrafts, Textiles and Khadi (C2) Department,
Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St.George, Chennai 600 009
Email:htksec@tn.gov.in

2.Director of Handlooms and Textiles,
Government of Tamil Nadu,
Kuralagam, Chennai-600 108

3.Commissioner of Handlooms and Textiles,



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Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St. George, Chennai 600 009

4.Tamil Nadu Water Investment Company Limited,
1st Floor, Polyhouse Towers,
No.86, Mount Road, Guindy, Chennai-600 032
Represented by its Chief Executive Officer.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records of the impugned notification passed by 1st respondent bearing G.O Ms.No.135, Handlooms, Handicrafts, Textiles and Khadi (C2) Department dated 10.12.2020 and quash the same.

For Petitioner : Mr.R.Vidyashankar

For Respondents : Mr.V.Manoharan
Additional Government Pleader for R1 and R3

Mr.S.Raghunathan for R4

COMMON 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 in



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W.P.No.8541 of 2020 and W.P.No.3030 of 2021, has availed the services of this

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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 in W.P.No.8541 of 2020 and W.P.No.3030 of 2021 has challenged the monopoly of the Tamil Nadu Water Investment Company.

4.The dispute between the petitioner and the Tamil Nadu Water Investment Company is now pending arbitration for two different periods. As for the petitioners in W.P.Nos.8541 and 3030 of 2020 are concerned, they are entitled to avail the benefit of G.O.(Ms).No.184, Handicrafts, Textiles and Khadi (C2) Department, dated 28.11.2022, from other operators and service providers from the open market, and the mandatory claim between the petitioner and the Tamil Nadu Water Investment Company would depend on the outcome of the arbitral proceedings. This is now being arbitrated by Sri K. Venkatraman, a former judge of this Court.

5.It is the contention of the Tamil Nadu Water Investment Company that only the Government has got the authority to relax the monopoly which the said Company held in terms of the G.O.



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6.Since the government itself has come out with a G.O.(Ms).No.184, Handicrafts, Textiles and Khadi (C2) Department, dated 28.11.2022, nothing survives in this petition.

7.These Writ Petitions stand closed accordingly. No Costs. Consequently, the connected miscellaneous petitions are closed.

19.07.2023

(1/2)

Anu

Index : Yes / No

Neutral citation : yes/no

To

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Kuralagam,
Second Floor,
Chennai-600 104.

2.The Assistant Director of
Handlooms and Textiles,
Tiruppur.
Pin 641 607.

3.M/s.Tamil Nadu Water
Investment Company Ltd.,



W.P.Nos.8541 and 12872 of 2020, W.P.No.3030 of 2021

1st Floor, Polyhouse Towers,
No.86, Mount Road,
Guindy,
Chennai-600 032

4.The Principal Secretary to the Government,
Handlooms, Handicrafts, Textiles and Khadi (C2) Department,
Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St.George, Chennai 600 009
Email:htksec@tn.gov.in

5.Commissioner of Handlooms and Textiles,
Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St. George, Chennai 600 009

N.SESHASAYEE, J.



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