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W.P.No.13760 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13760 of 2023
and
W.M.P.No.13437 of 2023

M/s.The Nilgiri Wayanad Hills Product Co.
Represented by its Proprietor S.Kabeer
No.7/102, Devarshola Bazaar,
Balacolo P.O. Kundah Taluk,
Nilgiris, Tamil Nadu.

..Petitioner

Vs.

1.Joint Secretary,
Ministry of Commerce and Industry, Government of India,
Department of Commerce
Udyog Bhavan, New Delhi.

2.The Chairman
Tea Board of India
No.14, BTM Sarani (Brabourne Road)
Kolkata 700 001.

3.The Executive Director,
Registering and Licensing Authority,
Tea Board of India
(Ministry of Commerce and Industries)
Government of India, Shalwood, Club Road,
Coonoor – 643 101.
The Nilgiris, Tamil Nadu.

..Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorarified mandamus directing to call for the records of the 1st respondent in Order in K-57012(18)/1/2020-plant(A) dated 08.10.2020 and quash the same and to directing the 3rd respondent to restore the license of the petitioner granted in TWC-327.

For Petitioner : Mr.E.Manoharan
for Mr.B.Sasidaran

For Respondents : Mr.J.Madhanagopal Rao,
Special Panel Counsel for R1 and R3

ORDER

The subject matter of challenge in the present writ petition pertains to the order passed by the 1st respondent in case No.K-57012(18)/1/2020-plant(A) dated 08.10.2020 and for a consequential direction to the 3rd respondent to restore the license granted to the petitioner.

2. When the writ petition came up for admission on 01.06.2023, this Court passed the following orders:

Mr.J.Madhanagopal Rao, learned Central Government Standing Counsel, takes notice on behalf of respondents 1 and 3.

2. The subject matter of challenge in this writ petition pertains to the order passed by the first



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respondent dated 08.10.2020 confirming the order passed by the third respondent through proceedings dated 06.07.2020 refusing to renew the Tea Waste License and cancelling the license issued in favour of the petitioner company.

3. The impugned order has been passed in the year 2020 and the same has been made a subject matter of challenge in the year 2023. The issue involves non-renewal of license and the fact remains that no license has been granted in favour of the petitioner for more than three years. Hence, it will be too late in the day to go into the merits of the order passed by the third respondent, which was further confirmed by the first respondent. When this was brought to the notice of the learned counsel for petitioner, learned counsel submitted that the petitioner had given a fresh representation on 16.02.2023 to the respondents 2 and 3 by explaining the entire facts and had requested for entertaining a fresh application by the petitioner for granting license under the Tea Waste (Control) Order, 1959. A copy of the representation was forwarded to the Court at the time of hearing and a copy was also furnished to the learned Central Government Standing Counsel appearing on behalf of respondents 1 and 3.



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4. *Learned counsel for petitioner submitted that if this Court is not inclined to go into the merits of the impugned order that has been put to challenge in this writ petition, at least this Court can consider issuing a direction to the respondents to deal with the representation made by the petitioner on 16.02.2023 seeking for fresh license.*

5. *Considering the limited relief that has been sought for and a representation having been made by the petitioner to the respondents seeking for fresh license under the Tea Waste (Control) Order, 1959, it will suffice if the learned Central Government Standing Counsel is directed to take instructions from the licensing authority, viz., the third respondent with regard to the decision taken on the representation/ application made by the petitioner on 16.02.2023. Learned Central Government Standing Counsel seeks for some time to take instructions in this regard.*

Post this writ petition under the caption "for orders" on 26.06.2023.

3. When the matter was taken up for hearing today Mr.J.Madhanagopal Rao, learned Special Panel Counsel on instructions submitted that the petitioner can make a fresh application seeking for



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license through portal after following all the conditions and the same will be considered by the respondents on its own merits and in accordance with law.

4. Recording the submission of the learned Special Panel Counsel for the respondents, this writ petition is disposed of with a direction to the petitioner to apply for fresh license through portal by complying with all the conditions and the same shall be considered by the 3rd respondent on its own merits and in accordance with law.

5. In the result, the writ petition is **disposed of** in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

26.06.2023

dsa
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order/ Non-speaking order



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To:-

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Ministry of Commerce and Industry, Government of India,
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Udyog Bhavan, New Delhi.

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N.ANAND VENKATESH, J.

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