



WEB COPY



W.P.No.22795 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22795 of 2018

And

W.M.P.No.26631 of 2018

M/s.Shri Masaniyamman Thunai Spinning
Mills (P) Ltd.,

Represented by its Managing Director
K.Kalyana Sundaram

... Petitioner

Vs.

1.TUF Cell,
Represented by its Chief Manager,
State Bank of India,
Commercial Branch,
NGN Vaidya Marg,
Harniman Circle, Fort,
Mumbai – 400 001.

2.State Bank of India
Represented by its Chief Manager,
Ganapathy Branch, (B.Code:03690),
285, Sathy Road,
Ganapathy, Coimbatore – 641 012,
Tamil Nadu.

3.Union of India,
Ministry of Textiles,
Bharat Nagar, Phase 4,
Nimri Colony,
Ashok Vihar,
New Delhi – 110 052.

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein, to release the subsidy arrears of Rs.3,16,82,663/- under the TUF-I loan availed in the year 2010 and Rs.16,37,626/- under the TUF II loan availed in the year 2016 totalling to a sum of Rs.3,33,20,292/- (Rupees Three Crore Thirty Three Lakhs Twenty Thousand Two Hundred and Ninety Two Only) to the second respondent and consequently direct the second respondent to appropriate the said amounts towards the term loan of Rs.11,32,00,000/- and Rs.1,43,64,000/- released under the TUF-I and TUF II scheme as per the representation dated 25.06.2018 and accepted by the second respondent dated 10.07.2018.

For Petitioner : Mr.M.Aravind Subramaniam
Senior Counsel
for M/s.Sriprada Prabhakar

For Respondents : Mr.M.Devaraj for R1
Mr.B.Rabu Manohar for R3
SCGPC

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to release the subsidy arrears of Rs.3,16,82,663/- under the TUF-I loan availed in the year 2010 and Rs.16,37,626/- under the TUF II loan availed in the year 2016 totalling to a sum of Rs.3,33,20,292/- (Rupees Three Crore



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Thirty Three Lakhs Twenty Thousand Two Hundred and Ninety Two Only) to the second respondent and to consequently direct the second respondent to appropriate the said amounts towards the term loan of Rs.11,32,00,000/- and Rs.1,43,64,000/- released under the TUF-I and TUF II scheme as per the representation dated 25.06.2018 and accepted by the second respondent dated 10.07.2018.

2.The case of the petitioner is that the petitioner Company was established in the year 2010 with 12,000 spindles for manufacture of yarn with brand new state of art technology by availing two loans under Technology Upgradation Fund (TUF) scheme and has made the monthly repayment without any default, however, since the subsidy amount under the TUF scheme was not released in favour of the petitioner Company, the petitioner Company incurred huge loss and hence, the petitioner has filed this writ petition.

3.The learned Senior Counsel appearing for the petitioner submitted that when the writ petition was taken up for consideration by this Court on 04.02.2020, the petitioner's grievance that, by letter dated 10.07.2018, the second respondent has stated that the TUF subsidy claim for term loan of Rs.11.92 Crores has been submitted to



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the concerned Authority on 22.07.2010 and was resubmitted on 21.03.2017 as per the request for consideration under M-TIFS left over cases, however, there is no further progress and the first respondent also has not taken any steps, was expressed before this Court. The further grievance that 38 applications were received for the relevant period of subsidy and 32 applicant's subsidy had been released and the petitioner has been kept in lurch was also expressed before this Court and this Court observed that the petitioner's representation shall be considered on the next hearing. However, till date no appropriate order has been passed and the subsidy amount has not yet been released. Hence, this Court may issue direction to the respondents 1 and 2 to pass appropriate orders within a reasonable time frame.

4.The learned counsel appearing for the first respondent submitted that the petitioner's application seeking subsidy will be considered and appropriate orders will be passed.

5.In view of the above, the first respondent is directed to consider the petitioner's application seeking subsidy under the TUF scheme for the term loan of Rs.11.92 Crores submitted by the second respondent on 22.07.2010 and resubmitted on 21.03.2017 as per the



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request for consideration under M-TIFS left over cases, and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

6.The writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

20.03.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

- 1.TUF Cell,
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Commercial Branch,
NGN Vaidya Marg,
Harniman Circle, Fort,
Mumbai – 400 001.
- 2.State Bank of India
Represented by its Chief Manager,
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