



W.P.No.20877 of 2023
&WMP.No.20244 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.20877 of 2023
&WMP.No.20244 of 2023

M/s.Foams India Bed Products,
Rep by its Managing Partner,
G.Jayakumar.

...Petitioner

-Vs-

1.Tamil Nadu Small Industry Development
Corporation (TANSIDCO),
Rep by its Managing Director,
8th and 9th floor, SIDCO Corporate Office
Building, Thiru Vi-Ka Industrial Estate,
Guindy, Chennai – 600 032.

2.Branch Manager,
SIDCO Branch Office,
SIDCO Industrial Estate,
Gandhi Nagar,
Ranipet – 632 006.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1st Respondent dated 16.06.2023 in RC No.9037/IE-II-2/2021, quash the same by considering the Petitioner's representation dated 30.06.2023.



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For Petitioner : Mr.R.N.Amarnath

For R1 & R2 : Mr.Sithara Sarangan,
Standing Counsel

ORDER

The petitioner was allotted the industrial plot in plot no.119 measuring 0.3936 Acres(1592.84 Sq.m.) at Arakonam Vide the proceedings of the respondent dated 02.11.2013. One of the conditions stipulated in the order of allotment is that the petitioner should commence his industry within 24 months from the date of taking possession of the plot. If in case it is not done, the same clause provides that “*extension of time for commencement of production at the request of the allottee would be considered after collection of penalty for non-utilization as fixed by the respondent*”.

2.According to the petitioner, he was not only allotted an industrial plot in Arokonam but, also in Thirumazhisai Industrial Estate and that due to certain difficulty he faced in shifting his unit to Arakonam, he occupied the plot allotted to him in Thirumazhisai Industrial Estate. It is in this



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circumstance, the respondents have issued a notice dated 16.06.2023 cancelling the allotment issued in favour of the petitioner.

3.The learned counsel for the petitioner explained the various difficulties that the petitioner had faced when he contemplated shifting his industrial unit to Arokonam.

4.Whereas, the learned counsel for the respondents would submit that the petitioner literally slept on the allotment for ten long years. The learned counsel would also submit that the difficulties which the petitioner narrates are internal to him and in commercial transaction, the allottee has to play by the rule book.

5.The learned counsel for the respondents also added that the refund amount has also been made to the petitioner and nothing remains to be considered.



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6.The learned counsel for the petitioner clarified the same that at the time when the allotment was made and consideration was paid by the petitioner, he over-paid it and the refund is all about the differential over payment that the petitioner has made.

7.Without getting into the merit of the allegation and the counter allegation now made before this Court, the first respondent is now required to consider the representation of the petitioner dated 30.06.2023 and decide the issue, more specifically, in the light of clause 7 of the order of allotment, within a period of four (4) weeks from the date of receipt of a copy of this order.

8.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

21.07.2023

Index : Yes/No
Internet : Yes/No
Tsg



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To

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N.SESHASAYEE, J.,

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