



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.02.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.4435 of 2024

M/s.Oriental Lotus Hospitality Solutions Pvt Ltd,
Represented by its Managing Director, Mrs.Manju Suresh
Having registered office at No.12,
8th Cross, Kumara Park West,
Bangalore -560 020.

Factory at Survey No.11, 9/1,
Vengadu Road,
104, Navalur Village,
Sriperumbudur,
Kancheepuram – 602 105.

... Petitioner

Vs

1.The Joint Director,
Industrial Safety and Health,
No.47/1, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai – 600 032.

2.The Director,
Industrial Safety and Health,
No.47/1, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai – 600 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the 1st and 2nd respondent to



W.P.No.4435 of 2024

consider the application of the Petitioner dated 20.12.2023 favourable within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.Krishna Ravindran
for Mr.P.Kavin Prabhu

For Respondents : Mr.G.Nanmaran
Special Government Pleader

ORDER

Mr.G.Nanmaran, learned Special Government Pleader accepts notice for the respondents and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner is a company, which claims to be in the business of manufacturing, packaging and supply of toiletries for the usage of guests in star hotels. It claims to have entered into an agreement with an entity, by the name Oriental Lotus Hotels Suppliers Pvt.Limited (in short ' vendor') with which it claims to have entered into a business transfer agreement on 08.09.2022.

3. The petitioner also claims to have entered into a lease agreement dated 21.10.2022 with the vendor concerning property at Door No.11, 9/1 Vengadu Road, Navalur Village, Sriperumbudur Taluk, Kancheepuram District – 602 105 (in short 'factory premises'). That agreement has expired.

4. Though a copy of the business transfer and lease agreements have been produced, this Court is not inclined to look into the same in the course of



W.P.No.4435 of 2024

adjudicating this Writ Petition since the vendor is not a party to this writ petition and hence his version of events cannot be ascertained.

5. Evidently, the petitioner and the vendor have fallen out. The petitioner has moved an application under Section 9 of the Arbitration and Conciliation Act, 1996 in Comm.A.A.No.18 of 2024 before the District Commercial Court, Bengaluru and on 23.01.2024, has obtained an ex parte ad interim order of temporary injunction restraining the vendor from taking any action directly or indirectly in furtherance of termination letter dated 23.01.2023 and various other interim reliefs in I.A.Nos.1 to 5 of 2024.

6. The petitioner has also instituted a suit in O.S.No.234 of 2023 before the Sub-Court, Sriperumbudur seeking bare injunction as against the vendor from being unlawfully evicted from the factory premises.

7. The vendor for his part, appears to have made a representation before the respondents objecting to the continued operations of the petitioner from the factory premises and also objecting to the issue of new factory licence for which the petitioner has made an application.

8. The respondent has issued a notice on 02.01.2024 in response to the petitioner's application for licence indicating that as per the provisions of the Factories Act, 1948 and Tamil Nadu Factories Rules, 1950, it is not possible for them to issue a new licence to the same registered premises in respect of which



W.P.No.4435 of 2024

a licence has already been issued. The respondents have called the petitioner to submit valid legal documents for proving legitimate occupation of the premises, within 15 days.

9. No written submission appears to have been submitted to notice dated 02.01.2024. Though learned counsel for the petitioner states that the petitioner had appeared in person with requisite documents, the affidavit filed in support of the Writ Petition also makes no reference to either show cause notice dated 02.01.2024 or any personal visit of the petitioner to put forth its stand.

10. In light of the aforesaid, I am of the considered view that R1, being the Joint Director of Industrial Safety and Health must call upon the petitioner for a personal hearing in connection with the application for licence. The petitioner shall attend the personal hearing accompanied by a written explanation to show cause notice dated 02.01.2024.

11. Let R1 shall issue notice to the vendor as well to ascertain its stand and ensure that the proper factual position is available before him prior to deciding the matter. The authority shall pass a reasoned order on the rival contentions put forth before him, in accordance with law and all applicable Rules and Regulations, within a period of six (6) weeks from date of receipt of a copy of this order.



W.P.No.4435 of 2024

12. This Writ Petition is disposed in the aforesaid terms. No costs.

WEB COPY

22.02.2024

Index : Yes / No

Speaking order

Neutral citations:Yes

sl

To

1.The Joint Director,
Industrial Safety and Health,
No.47/1, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai – 600 032.

2.The Director,
Industrial Safety and Health,
No.47/1, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai – 600 032.



WEB COPY



W.P.No.4435 of 2024

DR.ANITA SUMANTH,J.

sl

W.P.No.4435 of 2024

22.02.2024