



WEB COPY



W.P.No.5062 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE R.SAKTHIVEL**

W.P.No.5062 of 2022

and WMP.No.5175 of 2022

Prem Kumar Menon

...Petitioner

***Vs.***

1.The Tamil Nadu Pollution Control Board,  
Rep. By its Member Secretary,  
76, Mount Road, Guindy,  
Chennai-600 032

2.Lancor Holdings Limited,  
Rep. By its Managing Director,  
Mr.R.V.Shekar,  
VTN Square,  
No.58, G.N.Chetty Road,  
T.Nagar, Chennai-600 017

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India,



W.P.No.5062 of 2022

praying for the issuance of Writ of Certiorarified Mandamus, to call for the 1<sup>st</sup> respondent's online communication dated 17.02.2022 and quash the same, and direct the first respondent to renew "consent to operate" the building situated at No.165, St.Mary's Road, Alwarpet, Chennai 600 018.

For Petitioner : Mr.Adithya Reddy

For Respondent : Ms.S.Shanthini for  
Mr.B.N.Suchindran  
Standing Counsel for R1

Mr.Anupam Raghuraman for R2

### **ORDER**

*(Order of the Court was delivered by M.S.RAMESH,J.)*

When the petitioner herein sought for renewal of the 'consent to operate' in premises bearing No.165 St.Mary's Road, Alwarpet, Chennai-600 018 before the Tamil Nadu Pollution Control Board, very certain queries were raised by the Board on 17.02.2022, which queries have been challenged before us.



W.P.No.5062 of 2022

WEB COPY

2. One among the issues between the parties was with regard to their respective shareholdings over the property in question, which was the subject matter of an arbitral award and was challenged up to the Hon'ble Supreme Court. In the case of ***Lancor Holdings Limited vs. Prem Kumar Menon and Others***, reported in [(2025) SCC OnLine SC 2319], the Hon'ble Supreme Court allowed the Civil Appeals and held as follows:

*“63. To conclude, the questions framed for consideration in these appeals are answered as under:*

*(I) What is the effect of undue and unexplained delay in the pronouncement of an arbitral award upon its validity?*

*- Delay in the delivery of an arbitral award, by itself, is not sufficient to set aside that award. However, each such case would have to be examined on its own individual facts to ascertain whether that delay had an adverse impact on the final decision of the arbitral tribunal, whereby that award would stand vitiated due to the lapses committed by the arbitral tribunal owing to such delay. It is only when the*



W.P.No.5062 of 2022

*effect of the undue delay in the delivery of an arbitral award is explicit and adversely reflects on the findings therein, and such delay and, more so, if it remains unexplained, can be construed to result in the award being in conflict with the public policy of India, thereby attracting Section 34(2)(b)(ii) of the Act of 1996 or Section 34(2A) thereof, as it may also be vitiated by patent illegality. Further, it would not be necessary for an aggrieved party to invoke the remedy under Section 14(2) of the Act of 1996 as a condition precedent to lay a challenge to that delayed and tainted award under Section 34 thereof.*

*(ii) Is an arbitral award that is unworkable, in terms of not settling the disputes between the parties finally but altering their positions irrevocably thereby leaving them no choice but to initiate further litigation, liable to be set aside on grounds of perversity, patent illegality and being opposed to the public policy of India? If so, would it be a fit case for exercise of jurisdiction under Article 142 of the Constitution?*

*- The very basis and public policy underlying the process of arbitration is that it is less time-consuming and results in speedier resolution of disputes between the*



WEB COPY



W.P.No.5062 of 2022

*parties. If that premise is not fulfilled by an unworkable arbitral award that does not resolve the disputes between the parties, on one hand, leaving them with no choice but to initiate a fresh round of arbitration/litigation but the arbitrator, in the meanwhile, also changed their positions, irrevocably altering the pre-existing balance between the parties prior to the arbitration, then such an arbitral award would not only be in conflict with the public policy of India but would also be patently illegal on the face of it. It would therefore be liable to be set aside under Section 34(2)(b)(ii) and / or Section 34(2A) of the Arbitration and Conciliation Act, 1996. Further, if the necessary conditions for exercise of power by this Court under Article 142 of the Constitution of India are made out, in terms of the Constitution Bench decision in Gayatri Balasamy v. ISG Novasoft Technologies Limited (supra), this Court would be justified in exercising such jurisdiction.”*

4. In the light of these change in circumstances, we deem it appropriate to grant liberty to the petitioner to answer the queries raised

by the Board on 17.02.2022, and on receipt of the same, the Tamil Nadu



W.P.No.5062 of 2022

Pollution Control Board / the first respondent herein shall consider it in

the light of the decision of the Hon'ble Supreme Court in **Lancor**

**Holdings Limited** (*supra*), as expeditiously as possible.

5. Accordingly, this Writ Petition stands disposed of. No Costs.

Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V., J]

17.11.2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

**Anu**

**To**

1.The Tamil Nadu Pollution Control Board,  
Rep. By its Member Secretary,  
76, Mount Road, Guindy,  
Chennai-600 032

2.Lancor Holdings Limited,  
Rep. By its Managing Director,

Page 6 of 8



W.P.No.5062 of 2022

Mr.R.V.Shekar,  
VTN Square,  
No.58, G.N.Chetty Road,  
T.Nagar, Chennai-600 017

**M.S.RAMESH, J.**  
**and**  
**R.SAKTHIVEL, J.**

Anu

W.P.No.5062 of 2022  
and WMP.No.5175 of 2022



WEB COPY



W.P.No.5062 of 2022

17.11.2025