

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WP(C).No.19266 of 2015 (G)

PETITIONER:

**PRINCE MATHEW,AGED 51 YEARS,S/O.MATHEW,
MANAGING PARTNER OF HOTEL ALANTA RESIDENCY,
OPPOSITE RIFLE CLUB,MUTTOM.P.O,THODUPUZZHA.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENTS:

- 1. THE CHIEF MANAGER/AUTHORIZED OFFICER,
(APPOINTED UNDER THE SECURITISATION AND
RECONSTRUCTION OF FINANCIAL ASSETS
AND ENFORCEMENT OF SECURITY INTEREST ACT
2002,M/S SYNDICATE BANK,REGIONAL OFFICER,
SHANMUGHAM ROAD,ERNAKULAM-682031.**
- 2. M/S.SYNDICATE BANK,REGIONAL OFFICE,SHANMUGHAM ROAD,
ERNAKULAM-682031,REPRESENTED BY ITS AUTHORISED OFFICER.
(APPOINTED UNDER THE SECURITISATION AND RECONSTRUCTION
OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST
ACT 2002).**

BY SRI.R.S.KALKURA,SC, SYNDICATE BANK

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

APPENDIX

PETITIONER'S EXHIBITS:

- P1: TRUE COPY OF THE COMMUNICATION DATED 26/10/2013 ISSUED BY THE RESPONDENT BANK TO THE PETITIONER.
- P2: TRUE COPY OF THE COMMUNICATION DATED 10.03.2014 ISSUED BY THE PETITIONER TO THE RESPONDENT BANK.
- P3: TRUE COPY OF THE COMMUNICATION DATED 05.04.2014 ISSUED BY THE RESPONDENT BANK TO THE PETITIONER.
- P4: TRUE COPY OF THE REPLY DATED 11.04.2014 MADE BY THE PETITIONER TO EXHIBIT-P4 COMMUNICATION ISSUED BY THE BANK.
- P5: TRUE COPY OF THE NOTICE ISSUED UNDER SECTION 13 (2) DATED 21.04.2014 UNDER THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT.
- P6: TRUE COPY OF THE REPLY/OBJECTION DATED 18.06.2014 MADE BY THE PETITIONER PURSUANT TO EXHIBIT-P5 NOTICE.
- P7: TRUE COPY OF THE COMMUNICATION DATED 01.07.2014 ISSUED BY THE RESPONDENT BANK TO EXHIBIT-P6 REPLY/OBJECTION SENT BY THE PETITIONER.
- P8: TRUE COPY OF THE JUDGMENT DATED 17/07/2014 PASSED IN WP(C) NO.18084/2014.
- P9: TRUE COPY OF CIBIL DETECT HAVING CONTROL NO.W2014052532046739 DATED 25/05/2014 ISSUED BY THE CREDIT INFORMATION BUREAU(INDIA) LIMITED IN THE PETITIONER'S NAME.
- P10: TRUE COPY OF CIBIL DETECT REPORT HAVING CONTROL NO.W20140532046742 DATED 25/05/2014 ISSUED BY THE CREDIT INFORMATION BUREAU (INDIA)LIMITED IN THE PETITIONER'S WIFE'S NAME.
- P11: TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE RESPONDENT BANK IN W.P(C)30013//2014 WITHOUT EXHIBITS.
- P12: TRUE COPY OF THE REPLY AFFIDAVIT FILED BY THE PETITIONER TO EXHIBIT P11 COUNTER AFFIDAVIT.
- P13: TRUE COPY OF THE PROJECT REPORT PREPARED BY THE PETITIONER TO BE SUBMITTED BEFORE THE RESPONDENT BANK.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 19266 of 2015

Dated this the 26th day of June, 2015

J U D G M E N T

The petitioner, a defaulter, approached this Court in earlier occasions challenging SARFAESI proceedings. This Court granted instalment facility to pay off the entire liability. The petitioner appears to have obtained a loan for establishing a bar outlet. This could not be materialised on account of the change in the Abkari Policy of the State. This issue was highlighted in earlier round of litigations.

2. It submitted that, the petitioner has envisaged project change and obtained a license to conduct beer and wine parlour. It is submitted that they will be able to repay the loan amount if bank is willing to reschedule the loan in the light of new project placed before Court as per Ext.P13.

3. I am of the view, this is a matter purely for the bank to consider whether the project is viable and loan can be rescheduled or not. It is for the petitioner to satisfy the

bank regarding the genuineness of the claim based on the new project. In view of the above, the bank shall consider and take appropriate decision regarding the project of the petitioner, as expeditiously as possible, at any rate, within a period of three weeks from the date of receipt of a copy of this judgment. Till a decision is taken all coercive steps shall be deferred.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/