

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 19961 of 2015 (U)

PETITIONERS :

- 1. M/S. BASIL ASSOCIATES,
BASIL ARCADE, NEAR PWD GUEST HOUSE,
TRIPUNITHURA-682301.**
- 2. BASIL.K.VARGHESE,
S/O. VARGHESE, AGED 49 YEARS, BLAYIL HOUSE,
KANAYANNOOR, CHOTTANIKKARA, PIN-682312.**
- 3. SMT. SELINA BASIL,
W/O. BASIL VARGHESE, BLAYIL HOUSE, KANAYANNOOR,
CHOTTANIKKARA, PIN-682312.**

**BY ADVS.SRI.S.SREEKUMAR (SR.)
SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA**

RESPONDENTS :

- 1. THE CHIEF MANAGER
ZONAL OFFICE, STRESSED ASSET MANAGEMENT CELL
FEDERAL BANK LTD., FEDERAL TOWER, FIRST FLOOR
MARINE DRIVE, ERNAKULAM-682031.**
- 2. THE FEDERAL BANK LTD.,
THIRUVAMKULAM BRANCH - 682305
REPRESENTED BY ITS MANAGER.**
- 3. THE DEPUTY GENERAL MANAGER (ASSET RECOVERY)
THE FEDERAL BANK LTD., ASSET RECOVERY DEPARTMENT
FEDERAL TOWERS, ALUVA-683101.**

**R1 BY ADVS. SRI.A.ANTONY
SMT.LEELAMMA ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

WP(C).No. 19961 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF NOTICE DATED 15.10.2014 ISSUED BY THE BANK TO THE PETITIONER.

EXHIBIT-P2: TRUE COPY OF BANK STATEMENT OF PETITIONER'S ACCOUNT.

EXHIBIT-P3: TRUE COPY OF REPRESENTATION DATED 20.12.2014 TO THE RESPONDENT.

EXHIBIT-P4: TRUE COPY OF REPRESENTATION DATED 6.4.2015 ISSUED BY THE PETITIONER TO THE RESPONDENTS.

EXHIBIT-P5: TRUE COPY OF JUDGMENT DATED 27.5.2015 IN W.P.(C) NO.11946 OF 2015.

EXHIBIT-P6: TRUE COPY REPRESENTATION DATED 5.6.2015 SUBMITTED BEFORE THE 3RD RESPONDENT BY PETITIONERS.

EXHIBIT-P7: TRUE COPY OF PROCEEDINGS DATED 22.06.2015 OF THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 19961 of 2015

Dated this the 4th day of August, 2015

J U D G M E N T

The 1st petitioner is a partnership firm and respondents 2 & 3 are the partners. 1st petitioner is a contractor registered with Public Works Department. It is submitted by the petitioners that they have approached the respondent Bank with a proposal to regularise the account. They have also approached this Court earlier in WP(C) No.11946/2015. In Ext.P6 judgment, this Court took the view that, if the petitioners' grievances are genuine, necessarily the Bank shall take remedial measures. Pursuant to the above, the petitioners submitted Ext.P6 representation before the 3rd respondent, and the same was rejected as per Ext.P7. Petitioners' case is that, the said representation was rejected without considering their grievances.

2. Learned standing counsel also pointed out a letter issued by the Kerala Construction Corporation wherein it is stated that there are no contracts awarded to the petitioners. Therefore, it is for the petitioners to produce all the details with the respondent Bank to enable them to regularise the account. It is

apparent that there was no personal hearing. Learned standing counsel submitted that a personal hearing is scheduled to be held on 07.08.2015 and notice has been issued to the petitioners.

3. In that view of the matter, the petitioners shall appear before the respondent Bank on 07.08.2015 at 11.a.m. and appraise them with all materials regarding the genuineness of their claim. With the above observation, this writ petition is disposed of, leaving open all the issues.

In view of the above, no coercive steps shall be taken against the petitioners for a period of one month from today.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

Pn