

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P. No.30742 of 2014

M/s.Puducherry Micro, Small and
Medium Enterprise Association,
rep. by its Secretary S.Murugan

.. Petitioner

v.

1.The Governor, Reserve Bank of India,
Central Office, Central Office Building,
Shahid Bhagat Singh Marg Fort,
Mumbai 400 001.

2.United Bank of India,
Pondicherry Branch,
No.310, Jawaharlal Nehru Road,
Pondicherry-605 001.

.. Respondents

(R2 impleaded as per order dated 29.01.2015
in M.P. No.1 of 2015 in W.P. No.30742 of 2014)

Prayer: Petition filed under Article 226 of the Constitution of India
to issue a writ of mandamus directing the respondents to consider and
dispose of the representation dated 21.09.2014.

For petitioner : Mr.S.Sethuraman

For respondents : Mr.T.Poornam for R1

सत्यमेव जयते
Mr.F.B.Benjamin George for R2

ORDER

Heard Mr.S.Sethuraman, learned counsel for the petitioner,
Mr.T.Poornam for R1, Mr.F.B.Benjamin George for R2 and perused the
materials placed on record.

2.The petitioner is an association registered under the
provisions of the Societies Registration Act, 1860. The members of
the association are entrepreneurs in Puducherry, Cuddalore and
Villupuram District. The association is said to have been formed for
protection of the members of the association and to take up the
grievances with Government and Public Sector Undertakings.

3.It is stated that eight members of the association are having rice mills and other industries and during 2011, due to cyclone Thane, the industries were extensively damaged. The eight members have availed loan from the United Bank of India and the grievance of the association is that though certain relief measures were announced and guidelines have been issued by the Reserve Bank of India to extend the relief measures by Banks in areas affected by natural calamities, as per Circular No.07/05.04.02/2014-15 wherein direction were issued to grant various relief measures for rehabilitation of sick, micro and small enterprises. The petitioner would state that the second respondent bank alone has not complied with the direction issued by the Reserve Bank of India. In this regard, representation was submitted to the respondents and since the same has not been considered, the petitioner is before this Court.

4.Prima facie it appears that the plea raised by the petitioner association is justified. However, the eligibility of the benefit of the relief or Circular issued by the Reserve Bank of India, cannot be decided unless and until the concerned person, who has availed the loan and a person, who has been affected by the natural calamity, makes a request. The petitioner appears to have canvassed the grievance of eight members and those members, who have rice mills and owning other industries said to have been affected by cyclone Thane.

5.Therefore, this Court is of the view that the petitioner association may not have locus standi to project the individual grievance of its members, as the grievance pertains to extension of the relief package to industries, which have been affected by natural calamity, the eligibility, the extent of relief, etc. to be granted has to be assessed industry wise. Therefore, the members of the petitioner association have to approach the respondents individually, before approaching a Judicial Forum. Accordingly, while declining to grant the relief sought for by the petitioner association, liberty is granted to those members of the association (eight members) to submit their individual representations to the second respondent bank enclosing the copy of the RBI guidelines stating as to how they are entitled to the benefit of the guidelines. On receipt of the same, the second respondent shall consider the representation and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. If the members of the petitioner association have any further grievance, after the order is passed by the second respondent, those members are entitled to work out their remedies in accordance with law. The writ petition is disposed of accordingly. Consequently, connected M.P. is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

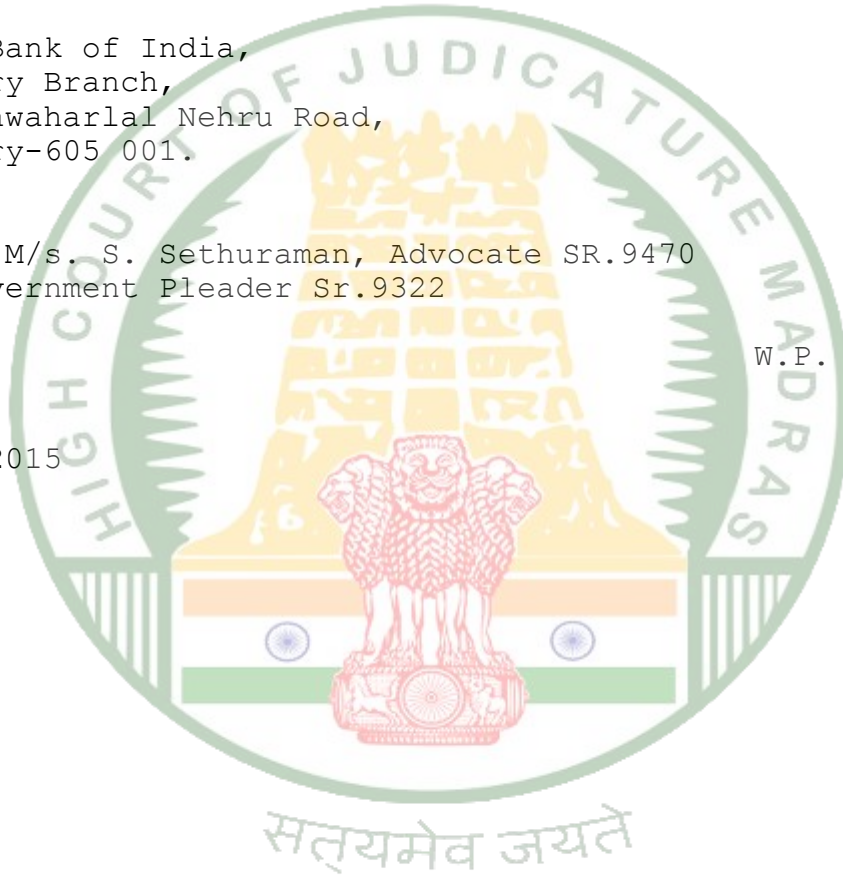
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+ 1 cc to M/s. S. Sethuraman, Advocate SR.9470
+ 1 cc Government Pleader Sr.9322

W.P. No.30742 of 2014

ALA(CO)
EU 04.03.2015



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