IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No.32186 of 2014
and
M.P.Nos.1 and 2 of 2014

N.Ashok .. Petitioner

Vs.

1.The Deputy General Manager,
State Bank of India,
Stressed Assets Management Branch,
Avinasi Road, Coimbatore.
2.The Authorized officer,
State Bank of India,
Stressed Assets Management Branch,
Avinasi Road,
Coimbatore. .. Respondents

This writ petition is preferred under Article 226 of the Constitution of India praying for the issue of a writ of certiorarified mandamus to call for the records with respect of the impugned auction proceedings issued by the second respondent dated 29.10.2014 and the same was published in The Hindu Daily newspaper dated 30.10.2014 and the proceedings of the first respondent in SAMB/CBE/CLO II/1528 dated 17.11.2014 and quash the same and consequently to direct the respondent to consider and accept the offer made by the petitioner through representations dated 6.9.2014 and 13.11.2014 under Rule 8(5)(d) of Security Interest (Enforcement) Rules, 2002.

For Petitioner : Mr.R.Nalliyappan
For Respondents : Mr.S.Sethuraman

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

This writ petition is filed to quash the auction proceedings issued by the second respondent dated 29.10.2014 published in 'The

Hindu' daily newspaper dated 30.10.2014 and the proceedings of the first respondent dated 17.11.2014 and further to direct the respondents to consider and accept the offer made by the petitioner through the representations dated 6.9.2014 and 13.11.2014 under Rule 8(5)(d) of the Security Interest (Enforcement) Rules, 2002.

2. On the basis of the affidavit filed by the petitioner that one K.Thirumoorthi intended to purchase by private negotiation the property in question for the price of Rs.4.45 Crores and also on the basis of the statement made in the affidavit that a proposal for private treaty with the respondents was made on 6.9.2014 under Rule 8 (5)(d) of the Security Interest (Enforcement) Rules, 2002, which was pending consideration, the petitioner offered to make payment of a sum of Rs.5 Crores on or before 28.12.2014 in no lien account to show the bonafide and thereafter a request was made to permit the petitioner to make payment of remaining Rs.24.25 Crores in two installments, i.e., Rs.12 Crores before 31.01.2015 and Rs.12.25 Crores before 17.02.2015.

3. The petitioner has failed to honour his offer by not depositing the sum of Rs.5 Crores on or before 28.12.2014. Thus, after all the legal proceedings have taken place in accordance with law, at this stage the e-auction for the sale to secure the bank amount cannot be questioned. The petitioner has not pointed out any irrationality or illegality in the steps taken by the respondent bank to secure its loan amount, which was held as non performing asset. Thus, we do not find any merit in this case. Accordingly, the writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk

To

1.The Deputy General Manager,
State Bank of India,
Stressed Assets Management Branch,
Avinasi Road, Coimbatore.

2.The Authorized officer,
State Bank of India,
Stressed Assets Management Branch,
Avinasi Road,
Coimbatore.

1 cc to Mr. S.Sethuraman,Advocate, SR.No.493
1 cc to Mr.R.Nalliyappan ,Advocate, SR.No.486

W.P.No.32186 of 2014

rk(co)
pmk.19.1.2015