

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2015

CORAM:

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

W.P. No.15364 of 2015
and
M.P. No.1 of 2015

K.K. Tex
represented by its Proprietor
P.Eshwaramurthy
1/104 A. Chetti Thottam
Devarampalayam
Ittchipatti Post
Palladam Taluk, Coimbatore

... Petitioner

vs.

The Authorised Officer
ICICI Bank
24th South Phase
Arihant Insight
II Floor, West Wing
Ambattur Industrial Estate
Ambattur, Chennai 600 058

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider the objections of the petitioner's counsel dated 15.04.2015 thoroughly and also to furnish the documents sought by the petitioner in his objections raised to the demand notice.

For petitioner : Mr. V. Karthic
for M/s. Ananda Gomathi

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ORDER

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

The petitioner, being a borrower, was served with a demand notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act") by the respondent bank on 31.01.2015, calling upon the petitioner to make good the outstanding amount as the same was classified as a Non Performing Asset (NPA). The petitioner made a representation in response to the said demand notice on 15.04.2015, which was duly rejected by the respondent bank on 28.04.2015.

2. The petitioner has come up with the instant writ petition, not questioning the aforesaid final order dated 28.04.2015 passed on the representation dated 15.04.2015 of the petitioner, but, seeking a direction to the respondent bank to consider the objections of his counsel dated 15.04.2015.

3. The order dated 28.04.2015 which is not impugned in this writ petition was passed based on consideration of the petitioner's representation dated 15.04.2015. Thus, no further direction can be issued to re-consider the entire issue, particularly, the representation dated 15.04.2015. Since process has been initiated under the provisions of Section 13(2) of the SARFAESI Act, this Court is not inclined to interfere, at this stage. However, liberty is reserved to the petitioner to take recourse to the appropriate statutory forum as available under the provisions of law. We further observe that status quo in respect of the property in question, shall be maintained for a period of two weeks from today.

4. With the above observations, the writ petition stands dismissed. No costs. Connected Miscellaneous Petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

The Authorised Officer
ICICI Bank
24th South Phase Arihant Insight
II Floor, West Wing
Ambattur Industrial Estate
Ambattur
Chennai 600 058

+1cc to M/s.Ananda Gomathy, Advocate, S.R.No.25870

W.P. No.15364 of 2015

VSN(CO)
CA(09/06/2015)



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