

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

[Special Original Jurisdiction]

THURSDAY THE TENTH DAY OF MARCH
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 7951 OF 2012

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Between:

M/s. Bharathi Dyeing & Weaving Mills,
Rep.by its Proprietor: MR Sivalingam
Pudupet village, Nagari Mandal,
Chittoor district.

... Petitioner

V/s.

The A.P. State Finance Corporation
Rep.by its Managing Director,
5-9-194, Chirag Ali Line, PB No.165,
Hyderabad & Anr.

... Respondents

Counsel for the Petitioner : Sri T.C. Krishnan

Counsel for the Respondents: Sri N. Vijay
Sri Y.N. Lohita

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

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WRIT PETITION NO. 7951 OF 2012

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ORDER:

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Heard learned counsel for Petitioner Sri T.C.Krishnan
and learned standing counsel for respondents.

2. The petitioner by complaining discrimination prays for mandamus declaring the action of respondents in not extending the benefit of waiving 50% of principal extended to similarly situated 10 other units and calling upon petitioner to pay Rs.7,00,737=00 on or before 25/3/2012 under one time settlement as illegal and unconstitutional.

3.This Court on 21/3/2012 passed the following interim
order:

“Learned counsel for the petitioner would submit that for ten other units, which are similarly placed, the respondent corporation has granted 50% waiver under the OTS scheme whereas in the case of the petitioner the said benefit was not extended and by the impugned letter, dated 27/2/2012, respondents demanded payment of Rs.7,00,737=00 payable on or before 25/3/2012. Even according to the petitioner, the total amount outstanding is around Rs.8,00,000=00 and if 50% waiver is granted still the admitted amount payable would be around Rs.4,00,000=00.

In the circumstances, there shall be interim stay of further proceedings pursuant to the impugned letter, dated 27/2/2012, subject to the condition that the petitioner shall deposit with the respondents a sum of Rs.4,00,000=00 within a period of four weeks from today. In default of payment of the said amount within the time stipulated, it is open to the respondents to proceed to recover the entire amount due in accordance with law.”

4. Respondents filed WVMP.No. 253 of 2015 seeking vacation of the interim order. Learned counsel appearing for the vacate stay petitioner vehemently contends that the communication of OTS through letter dated 2/1/2011 is in accordance with the scheme in operation at that point of time and the petitioner having submitted to the Corporation for one time settlement cannot and could not compare with other 10 units and seek for waivering of 50% of the principal amount. The conditions are imposed on case-to-case basis and it is for the petitioner to accept OTS or allow the account to reopen, and the respondents thereafter will recover outstanding in accordance with the Act. Learned counsel for the petitioner submits that the respondents are not disputing that 50% waiver of principal was granted and no reason is forthcoming for not extending same benefit to the petitioner as well.

5. The writ petition was adjourned from 29/2/2016 till date to enable the counsel for petitioner to get instructions on the preparedness of petitioner to pay the balance amount within reasonable time without further implications. This Court with a view to give quietus to the issue made the above observation for till date the petitioner has enjoyed the benefit of interim order and the settlement if accepted without any further financial implication, the outstanding account is settled.

6. On instructions Sri T.C. Krishnan submits that the petitioner is prepared to deposit in two equal instalments the balance OTS amount payable to respondent-corporation. The balance amount of Rs.3,00,000=00 is directed to be paid in two equal instalments from today. On or before 10/5/2016 first instalment of Rs.1,50,000=00 is paid and the second instalment is paid instalment on or before 10/7/2016. If the petitioner commits default of instalment granted by this court, it is needless to observe that the respondents are at liberty to operate the account on original terms and proceed to recover the outstanding.

7. With the above direction, the writ petition is disposed of.
No order as to costs.

8. As a sequel, miscellaneous petitions if any, pending in this Writ Petition shall stand closed.

JUSTICE S.V. BHATT

10/03/2016
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HONOURABLE SRI JUSTICE S.V. BHATT

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WRIT PETITION NO. 7951 OF 2012

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