

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.3.2017

CORAM

THE HONOURABLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.5756 of 2017
and
W.M.P.No.6150 of 2017

M/s.S.P.Palaniappan & Co
New No.52 Old No.62 Sembudoss Street
Chennai- 600 001. Rep by Partner and
Authorised Signatory Mr.P.Rajmohan ... Petitioner/Petitioner

Versus

1. The Authorized Officer
ICICI Bank Ltd
No.1 Cenotaph Road
Teynampet Chennai-600 018
2. Mr.Keshava Murthy Selvaraju ... Respondents/Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records pertaining to the proceedings dated 02.03.17 in S.A. No.5 of 2017 on the file of DRT-II Chennai and quash the same as illegal and arbitrary.

For petitioner : Mr.S.Sethuraman

For R1 : Mr.Om Prakash, Senior Counsel for
M/s.Ramalingam & Associates

ORDER

(Order of the court was made by HULUVADI G.RAMESH, ACJ.)

Heard the learned counsel appearing for the petitioner and Mr.Om Prakash, learned Senior Counsel appearing for the respondent-Bank.

2. The writ petition has been filed seeking issuance of a writ of certiorari calling for the records pertaining to the proceedings dated 02.03.17 in S.A. No.5 of 2017 on the file of DRT-II Chennai and quash the same as illegal and arbitrary.

3. It appears from the records and submissions made by the learned counsel appearing for the petitioner that towards the outstanding dues by them to the respondent-bank, the petitioner had paid a sum of Rs.5,43,63,959/- as against the claim of Rs.5,41,14,175/-.

4. The learned counsel appearing for the respondent-bank submits that there is a wrong calculation in arriving at the claim and payment made by the petitioner and still a sum of Rs.7,48,000 and odd is due to the bank in excess of the calculation made and it has to be remitted by the borrower.

5. It appears that almost like One Time Settlement, the borrower came forward honestly to remit the amount without dragging the issue and committing default and seeks the concession. Therefore, it is for the respondent-bank to return the document in respect of the house property within a period of one month from the date of receipt of a copy of this order. However, we make it clear that the TDS amount of 1% viz, Rs.2,48,500/- shall be paid by the petitioner within one month towards full and final settlement and that amount will not carry any interest. Accordingly, this writ petition is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk

+1cc to Mr.S.Sethuraman, Advocate, S.R.No.18632

+1cc to M/s.Ramalingam & Associates, Advocate, S.R.No.19375

+1cc to M/s.Ramalingam & Associates, Advocate,
S.R.No.19375 (18.04.2017)

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W.P.No.5756 of 2017

AD(CO)
CA(12/04/2017)