

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.10906 of 2017

and

W.M.P.No.11857 of 2017

- 1 M/s.Nandha Energy Ltd
rep. by its Authorised Signatory
Mr.Nandagopal
Rayala Towers 2nd Floor
158 Anna Salai
Chennai - 600 002.
 - 2 Mohan Brewereies and Distilleries Ltd.
South Indian Film Chamber of Commerce
Phase-I III Fr No.605&606
T.R.Sundaram Avenue Thousand Lights
Ch-600 006.
 - 3 Mr.M.Nandagopal
 - 4 Mr.Nate Nandha
(Formerly Known as Natarajan Nandhagopal)
 - 5 Mr.Arvind Nandagopal
- Petitioners

Versus

IDBI Bank Ltd
rep. by its Dy. General Manager
Mr.G.Udhayakumar
Having Branch Office at No.115 Anna Salai
P.B.No.805 Saidapet Chennai- 600 015. Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for records relating to recovery certificate dated 1.11.2016 and consequential demand notice dated 2.12.2016 and order of attachment made in DRC.No.626/2016 made in O.A.No.131/2014 on the file of the Hon'ble DRT II at Chennai and quash the same.

For petitioner : Mr.N.R.Chandran, Senior Counsel
for Mr.U.Karunakaran

ORDER

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

Heard the learned Senior Counsel appearing for the petitioner for some time.

2. The writ petition has been filed seeking issuance of a writ of a writ of certiorari calling for records relating to recovery certificate dated 1.11.2016 and consequential demand notice dated 2.12.2016 and order of attachment made in DRC.No.626/2016 made in O.A.No.131/2014 on the file of the Hon'ble DRT II at Chennai and quash the same.

3. With regard to secured and unsecured loans, an order has been passed by the Debts Recovery Tribunal which are pending before the Debts Recovery Appellate Tribunal. At this stage, the borrower seeks intervention of this court to extend a breathing time. Since as per the procedure of the SARFAESI Act, the parties have to exhaust the remedy. Further having regard to the quantum of amount involved, we are not inclined to interfere and issue any direction. However, it is for the Debts Recovery Appellate Tribunal to consider all the prayer and request of the petitioner in respect of the unmortgaged properties also, having regard to the facts and circumstances of the case.

4. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

ssk

WEB COPY

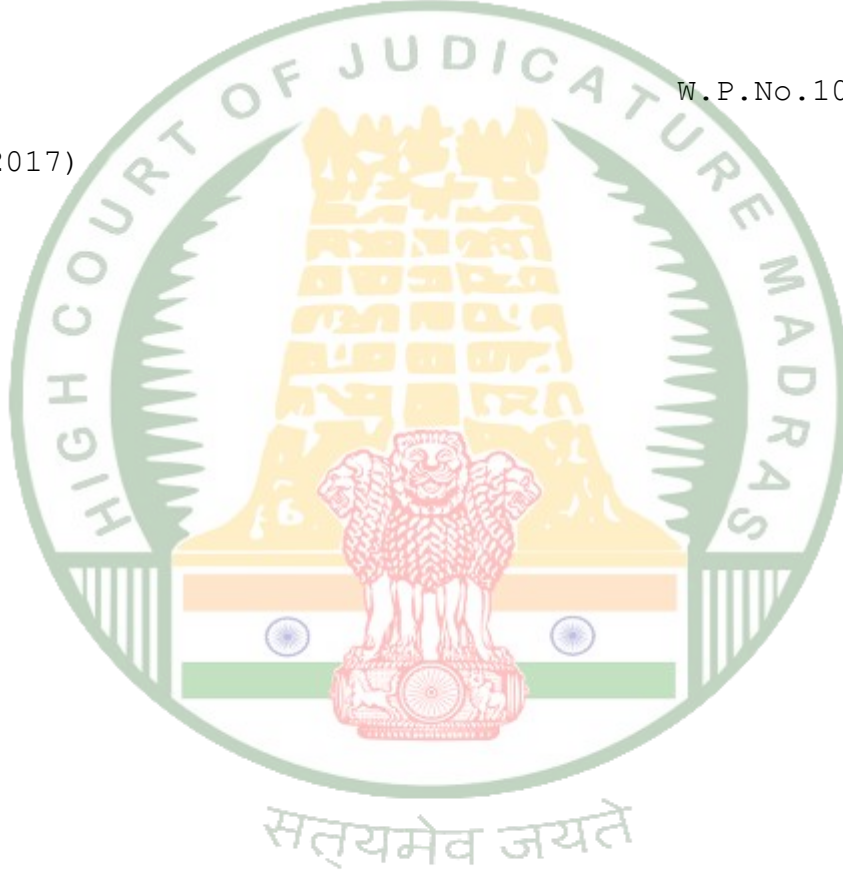
To

General Manager, Mr.G.Udhayakumar
IDBI Bank Ltd.,
Having Branch Office at No.115 Anna Salai
P.B.No.805 Saidapet Chennai- 600 015.

+1cc to Mr.U.Karunakaran, Advocate, S.R.No.25776

MSM(CO)
RS(19/06/2017)

W.P.No.10906 of 2017



WEB COPY