

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:20.07.2017

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE P.D.AUDIKEVALU

W.P.No.14971 of 2015 and
M.P.Nos.1 & 2 of 2015

M/s.Sri.Rajeswari Mills Ltd.,
Rep. By its Wholetime-Director
Mr.M.A.Shivakumaran,
Railway Station Road,
Gudiyatham - 632 602,
Vellore District.

.. Petitioner/Petitioner

Vs.

1. Board for Industrial & Financial
Reconstruction (BIFR.),
Represented by its Registrar,
Jawahar Vyapar Bhawan,
No.1, Tolstoy Marg, New Delhi.
2. The Branch Manager,
Indian Bank Branch,
Gudiyatham, Vellore District.
3. M/s.Indian Bank,
Represented by its Assistant General Manager,
Zonal Office, Chennai (South)
Corporate Off. At No.254-260,
Avaishamugam Salai,
Royapettah, Chennai - 600 014.
4. M/s. Indian Bank
Represented by its Authorized Signatory,
Asset Recovery Branch,
4th Floor, No.50, Ethiraj Salai,
Egmore, Chennai - 600 008.
5. M/s.Edelweiss Asset Reconstruction Company
Represented by its Authorised Signatory,
Regd. Office at Edelweiss House,
Off CST Road, Kalina, Mumbai - 400 098.

6. M/s.EARC Trust- SC 40,
Represented by its Managing Trustee/
Authorised Signatory,
Office at Edelweiss House,
Off CST Road, Kalina,
Mumbai - 400 098.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Prohibition, prohibiting the 1st Respondent (BIFR) in any manner entertaining or considering or passing any orders in respect of the Un-numbered Miscellaneous Application (Un-numbered M.A.) dated 6.05.2015 purported to have been filed by the 6th respondent under Section 5 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 filed for substitution in the place of the respondents 2 to 4 - Indian Bank in Reference case Nos.222/2002, as it lacks power or jurisdiction to pass any order contrary to its order dated 6.6.2012 made in M.A.No.709/2010.

For Petitioner : Mr.S.Thiruvengkataswamy

For R4 : M/s.Aiyar & Dolia

For R 2, 3 to 6 : No appearance

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

The Learned Counsel for the Petitioner has made the following endorsement in the Writ Petition:

"This writ petition has become infructuous and the same is withdrawn as not pressed."

2.Recording the aforesaid fact and the endorsement so made, the Writ Petition is dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

Sgl

To

1. The Registrar,
Board for Industrial & Financial
Reconstruction (BIFR.),
Jawahar Vyapar Bhawan,
No.1, Tolstoy Marg, New Delhi.
2. The Branch Manager,
Indian Bank Branch,
Gudiyatham, Vellore District.
3. The Assistant General Manager,
Indian Bank,
Zonal Office, Chennai (South)
Corporate Off. At No.254-260,
Avaishamugam Salai,
Royapettah, Chennai - 600 014.
4. The Authorized Signatory,
Indian Bank
Asset Recovery Branch,
4th Floor, No.50, Ethiraj Salai,
Egmore, Chennai - 600 008.
5. The Authorised Signatory,
Edelweiss Asset Reconstruction Company
Regd. Office at Edelweiss House,
Off CST Road, Kalina, Mumbai - 400 098.
6. The Managing Trustee/
Authorised Signatory, M/S.ERAC Trust-Sc 40
Office at Edelweiss House,
Off CST Road, Kalina,
Mumbai - 400 098.

+1cc to M/S.Aiyar & Dolia, Advocate Sr. 51119

+1cc to Mr.K.A. Ravindran, Advocate Sr. 51570

PVS (CO)
VR(22/8/2017)

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