



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
and

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

W.P(MD)Nos.8538 and 8539 of 2017
and W.M.P.Nos.6502 and 6503 of 2017

Ruby Chlorates Pvt Ltd.
No.11B Swaminatha Sastry Street
Tennur,Trichirappalli
Rep. by its Managing Director,
D.Baskaran

.. Petitioner in
W.P.No.8538/2017

The Match House
NO..11B Swaminatha Sastry Street
Tennur, Trichirappalli
Rep. by its Managing Director,
D.Baskaran

.. Petitioner in
W.P.No.8539/2017
Vs.

1.The Chief Regional Manager,
Indian Overseas Bank,
Regional Office,
No.4 Bharathidasan Salai
Cantonment, Trichy

2.The Senior Manager,
Indian Overseas Bank,
Thottiyam Branch,
Trichy District

3.The Government of India,
Ministry of Micro, Small and Medium Enterprises,
Udyog Bhavan, New Delhi.

.. Respondents in both
W.Ps

Common Prayer:

Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings No.RO/INSP/174/2/2014-15 dated 08.10.2015 and quash the same and consequently direct the 1st and 2nd respondents to implement the framework for revival and rehabilitation of MSMEs issued by the Ministry of Micro, Small and Medium Enterprises issued by the 3rd respondent dated 29.05.2015 and as per the notification issued by



Reserve Bank of India in their notification in RBI/2015-16/338 FIDD.MSME & NFS.BC.No.21/06/06.02.31/2015-16 dated 17.03.2016 to the petitioner company.

WEB COPY

For Petitioner : Mr.N.Shankar Ganesh
For Respondents : Mr.Pala Ramasamy for R1 & R2
Mr.Shanmuga Selvan for R3

COMMON ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

The petitioners, who are the borrowers, have filed these writ petitions challenging the proceedings of the respondent Bank dated 08.10.2015 and for a direction to the respondent Bank to implement the framework for revival and rehabilitation of MSMEs issued by the Ministry as per the notification of the Reserve Bank of India dated 17.03.2016.

2. In our view, the petitioners cannot be aggrieved by the impugned communication, as it does not reject the petitioners' request, but all that has been said is that as soon as the notification is issued by the Reserve Bank of India with the approval of the respondent bank, the same will be implemented. The petitioners seek for consequential relief not to proceed further for recovery. This prayer cannot be acceded to, more so, because it is beyond the scope of the writ petition. Since, as of now, the Reserve Bank of India has issued the notification, we direct the respondents 1 and 2 to consider the petitioners' representations in the light of the notification issued by the Reserve Bank of India and take a decision on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

With the above direction, these writ petitions are disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (Records)
/True copy/

Sub Assistant Registrar

To

1. The Chief Regional Manager,
Indian Overseas Bank,
Regional Office,
No.4 Bharathidasan Salai



2. The Senior Manager,
Indian Overseas Bank,
Thottiyam Branch,
Trichy District

WEB COPY

3. The Government of India,
Ministry of Micro, Small and Medium Enterprises,
Udyog Bhavan, New Delhi.

+2 CC to M/s.N.SHANKAR GANESH, Advocate, SR No. 55516.

+1 CC to M/s.PALA RAMASAMY, Advocate, SR No. 55069

+1 CC to M/s.N.SHANMUGA SELVAM, Advocate, SR No. 54979

RR

PSM/MMS/23.05.2017/3P/8C

ORDER MADE IN
W.P(MD)Nos.8538 and 8539 of 2017
and W.M.P.Nos.6502 and 6503 of 2017
28.04.2017