

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.21696 of 2018

1.V.Sugandhi
2.K.Venkatesan

.. Petitioners

Vs.

1.The Chief Manager,
Canara Bank, Puducherry Branch,
No.45, NSC Road, Puducherry.

2.The Authorized Officer,
Circle Office, Canara Bank,
No.524, Anna Salai,
Teynampet, Chennai - 18.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the 1st respondent to consider the representation dated 02.08.2018 given by the petitioner and grant one time settlement for the discharge of the loan amounts due by M/s.Sri Sugam Packs.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.S.Mohan

सत्यमेव जयते

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioners to issue a Writ of mandamus directing the 1st respondent to consider the representation dated 02.08.2018 given by the petitioners and grant one time settlement for the discharge of the loan amounts due by M/s.Sri Sugam Packs.

2.It is the contention of the petitioners that the One Time Settlement proposal given by them on 02.08.2018 to the 1st respondent - Bank has not yet been considered by the Bank and therefore, the Bank should be directed to consider the same.

3.The learned counsel appearing for the Bank submitted that already the petitioners' proposals for OTS were accepted by the respondent - Bank on two occasions. However, the petitioners have not honored the same by making payment of the OTS amount. By letter dated 02.07.2015, the respondent - Bank agreed to settle the matter for a sum of Rs.120 lakhs. However, the petitioners did not pay the said amount. Subsequently, by letter dated 06.11.2015, the respondent - Bank had withdrawn the OTS permission. Thereafter, by letter dated 18.08.2017, the respondent - Bank accepted the OTS proposal for Rs.1,05,00,000/-. But the petitioners, on this occasion also failed to honor their commitment. Therefore, the respondent-Bank withdrew the OTS permission on 28.11.2017. Now, for the 3rd time, the petitioners have given the OTS proposal on 02.08.2018.

4.It is settled position that the Bank cannot be compelled to accept the OTS proposal. It is for the Bank to take a call on the OTS proposal submitted by the petitioners.

5.For the reasons stated above, we do not find any merits in the Writ Petition. The Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

va

To

1.The Chief Manager,
Canara Bank, Puducherry Branch,
No.45, NSC Road, Puducherry.

2.The Authorized Officer,
Circle Office, Canara Bank,
No.524, Anna Salai,
Teynampet, Chennai - 18.

+1cc to Mr.S.Pandurangan, Advocate SR.No.66501

+1cc to Mr.G.Rajan, Advocate SR.No.66519

W.P. No.21696 of 2018

GMY(10/10/2018)