

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 31584 of 2018
and
W.M.P. No. 36806 of 2018

S. Kumaresan

.. Petitioner

Vs.

1. The Managing Director
The Tamilnadu Industrial
Investment Corporation Ltd.,
Anna Salai
Chennai - 600 002.
2. The Branch Manager
The Tamilnadu Industrial
Investment Corporation Ltd.,
Plot Nos.308 & 309, SIPCOT
Industrial Complex
Opp.LAL, Near SBI/ HOSTIA Office
Mookandapalli, NH-47
Hosur - 635 126.
3. The Branch Manager
The Tamilnadu Industrial
Investment Corporation Ltd.,
No.73/A, Vasan ENT Clinic
Katpadi Main Road
Gandhi Road,
Vellore- 632 006.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of impugned tender cum auction notice in TIIC/HSR/REC/2017-18 Dated 29.10.2018 issued by the 2nd respondent and quash the same and consequently direct the 1st and 2nd respondents to consider the petitioner's case for one time settlement in the above loan due account and pass such further orders.

For Petitioner : Mr.T. Sundaravadanam

For Respondents : Mr. M.Paul Raj, for TIIC

O R D E R

This writ petition is filed seeking to quash the tender cum auction notice in TIIC/HSR/REC/2017-18 Dated 29.10.2018 issued by the 2nd respondent and consequently direct the 1st and 2nd respondents to consider the petitioner's case for one time settlement in the above loan due account.

2. Mr. M. Paul Raj, learned counsel takes notice for the respondents TIIC. With the consent of both the parties, the main Writ Petition is taken up for final disposal, at the stage of admission itself.

3. According to the petitioner, he availed a loan from the respondents for running a business. Due to the loss sustained in the said business, the petitioner was unable to repay the loan amount. The respondent issued an intimation dated 29.10.2018, impugned herein, stating that as on 01.10.2018 the petitioner is liable to pay a sum of Rs.67.60 lakhs, since the loan amount is pending for a long time, auction notice is issued to sell the mortgaged property. The petitioner has made a representation to the respondents, agreeing to settle the entire outstanding due amount under One Time Settlement Scheme. Despite the same, the auction notice has been issued by the respondents. Challenging the aforesaid auction notice, the present writ petition is filed.

4. The learned counsel appearing for the respondents would submit that since the petitioner has not shown any bonafide to repay the outstanding loan amount, the respondent Corporation decided to sell the property through public auction. If the petitioner shows any bonafide, the same may be considered by the respondents.

5. With the consent of both the parties, the following terms of order is passed by this Court:-

1. The writ petitioner shall pay a sum of Rs.3.00 lakhs to the respondent Corporation on or before 03.12.2018 and furnish the proof.
2. Thereafter, the petitioner shall pay a sum of Rs.33.00 lakhs within a period of eight weeks, as a second instalment.
3. The petitioner shall pay the balance outstanding due amount to the respondents within a period of eight weeks, thereafter.

4. In the meantime, it is open to the petitioner to make an application to settle its due amount under One Time Settlement, if there is any such scheme.
5. Till such time, the impugned auction notice shall be kept in abeyance.
6. In case of any default in payment of any one of the above conditions, it is open to the respondents to proceed, in accordance with law.

6. The Writ Petition is disposed of, with the above direction. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

1. The Managing Director
The Tamilnadu Industrial Investment Corporation Ltd.,
Anna Salai, Chennai - 600 002.
2. The Branch Manager
The Tamilnadu Industrial
Investment Corporation Ltd.,
Plot Nos.308 & 309, SIPCOT Industrial Complex
Opp.LAL, Near SBI/ HOSTIA Office
Mookandapalli, NH-47 Hosur - 635 126.
3. The Branch Manager
The Tamilnadu Industrial Investment Corporation Ltd.,
No.73/A, Vasan ENT Clinic
Katpadi Main Road, Gandhi Road, Vellore- 632 006.

+1 cc to Mr.T.Sundaravadanam, Advocate Sr.No.82085

+1 cc to Mr.M.Paul Raj, Advocate Sr.No.82402

W.P. No. 31584 of 2018
and W.M.P. No. 36806 of 2018

VD(CO)
CSL/23.01.2019