

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 16.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA**AND****THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY****W.P (MD) No.17638 of 2018**

M/s.Ess Ess Tool Room Services,
represented by its
Partner,
P.S.Karthic.

... Petitioner

Vs.

The Chief Manager and Authorised Officer,
Andhra Bank,
No.26, Warners Road,
Cantonment,
Trichy.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus to direct the respondent herein to consider the representation of the petitioner dated 26.02.2018 and consequently, the respondent bank to restructure the petitioner unit Account OCC No.177513100000034 and Term Loan No.177530100008878.

For Petitioner
For Respondent

: Mr.K.Asok Kumar Ram
: Mr.Pala.Ramasamy

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner is running a manufacturing unit from 1974 and is manufacturing gauges, jigs and fixtures for Hindustan Machine Tools, Hyderabad, Ordinance Factory, Ambajhari and Nagpur. In the year 1992, the petitioner has shifted their operations from Hyderabad to Trichy and they are supplying the defence weapon materials to the Central Government Ordinance Factories situated in Trichy, Kanpur, Ichapur, Avadi, Khamaria and Jabalur.

3. As they are supplying small Arms components, namely, Small Arms Rifle, Machine Gun Bomb, Eccentric Bolts, Heavy Vehicles Engine Valve, etc., they borrowed a sum of Rs.3,15,00,000/- (Rupees Three Crores and Fifteen Lakhs only) and they have also paid a sum of Rs.2,36,16,145.70 (Rupees Two Crores Thirty Six Lakhs Sixteen Thousand One Hundred and Forty Five and Paise Seventy only) in the last six years.



4. Though they faced certain difficulties in getting new orders from various factories, their transactions from OCC Account was normal. Therefore, they met the respondent for future development and repayment of the loan amount. In the meanwhile, they have also issued a demand notice to their unit under Section 13(2) of the SARFAESI Act, followed by the notice under Section 13(4) of the Act.

5. The petitioner firm is not going to shirk their liability to repay the loan amount and they have also given a detailed representation dated 26.02.2018 to the respondent bank to give new proposal to settle the loan amount and as they are now getting new orders, the loan amount will be repaid by them.

6. At this juncture, Mr.Pala.Ramasamy, learned Counsel for the respondent bank, on instructions, fairly submitted that the representation of the petitioner dated 26.02.2018 would be considered by the respondent on merits.

7. Recording the statement made by the learned Counsel for the respondent bank, this writ petition is disposed of and the respondent is directed to consider the representation of the petitioner dated 26.02.2018 on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

+1cc to Mr.K.Asok Kumar Ram, Advocate Sr.No.78920

+1cc to Mr.Pala.Ramasamy, Advocate Sr.No.79177

RSB

VB/KAK/SAR2/03.09.2018/2P/3C

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