

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.3614 of 2018.

Date of Decision: February 16, 2018

Foodstuff Trading (P) Ltd.

.....Petitioner

versus

Capital First Limited and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Sukhbir S.Tiwana, Advocate, for the petitioner.

Mr.Sandeep Suri, Advocate, for respondent No.3.

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Surya Kant, J. (Oral)

The petitioner claims itself to be a Micro, Small and Medium Enterprises claiming the benefit of the provisions of Micro, Small and Medium Enterprises Development Act, 2006 and the Reserve Bank of India guidelines issued thereunder. The petitioner has availed multiple loans including from Capital First Limited (respondent No.1) who is a non-banking financial institution. The bank from whom the petitioner has taken loan is ICICI Bank.

On our asking Mr.Sandeep Suri, Advocate, accepts notice on behalf of respondent No.3-ICICI Bank.

The grievance of the petitioner in the instant writ petition is that it approached to Capital First Limited-respondent No.1 to consider its 'rehabilitation proposal' under the provisions of the above-stated Act and the RBI guidelines but the said proposal has been turned down by respondent No.1 on the plea that RBI guidelines and the Central Government notifications pertain to Scheduled Commercial Banks only and not the non-financial institutions.

Learned counsel for respondent No.3-ICICI Bank, on the other hand, states that a proposal has been already sent by the petitioner to the said bank and notice has been issued to the parties concerned and the said proposal is under active consideration. If that is so, let ICICI Bank take an appropriate decision on the proposal submitted by the petitioner, in accordance with the RBI guidelines as early as possible and preferably within a period of three months from the date of receiving a certified copy of this order.

As regard to respondent No.1-non-banking-institution, it is stated by learned counsel for the petitioner that the said institution has already initiated arbitration proceedings against the petitioner.

We thus dispose of this writ petition with liberty to the petitioner to raise all the pleas including that it is covered under the RBI guidelines and its rehabilitation proposal deserves to be considered at the hands of respondent No.1. Such a plea shall be considered by the Adjudicated Forum in accordance with law. If still aggrieved, the petitioner shall be at liberty to approach the Debts Recovery Tribunal against respondent No.1.

Ordered accordingly.

[SURYA KANT]
JUDGE

February 16, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No