



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Thirtieth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WP(MD) No.5350 of 2018

and

WMP(MD) Nos.5287, 5288 of 2018, 8166 & 8167 of 2019

HIGH ENERGY BATTERIES (INDIA) LTD.,
REP. BY ITS MANAGING DIRECTOR,
G.A.PATHANJALI, REGD.OFFICE AT ESVIN HOUSE,
13, OLD MAHABALIPURAM ROAD,
PERUNGUDI, CHENNAI - 600 096.

... PETITIONER

Vs

1 MICRO AND SMALL ENTERPRISES FACILITATION COUNCIL,
TIRUCHIRAPALLI REGION,
REP. BY ITS GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE,
TIRUCHIRAPALLI - 620 001

2 M/S.OXFORD ENGINEERING CENTRE,
REP. BY ITS PROPRIETOR, K.JOHNSON,
6-3-31, CHELLIAH STREET,
NEHRUJI NAGAR, ARIYAMANGALAM,
TRICHY - 620 010.

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a writ of Certiorari calling for the records of the impugned order dated 27.02.2018 in Rc.No.1288/A4/2017-3 on the file of the 1st respondent and quash the same.

Prayer in WMP(MD) .5287/2018 :

To pass an order of interim stay of the operation of and all further proceedings pursuant to the impugned order dated 27.02.2018 in Rc.No.1288/A4/2017-3 on the file of the 1st respondent pending disposal of the above writ petition.

Prayer in WMP(MD) .5288/2018 :

To pass an order of interim injunction restraining the 1st respondent from transferring any part of the entire sum of RS.35,00,000/- along with accumulated interest deposited by the petitioner in the 1st respondents name in an interest bearing Fixed



Deposit with any one of the Nationalized Bank in accordance with the order passed by this Hon'ble court in W.P.(MD).No.7690 of 2017 dated 21.09.2017 pending disposal of the above writ petition.

Prayer in WMP(MD) . 8166/ 2019 :

To vacate the interim order of injunction dated 14/03/2018 passed by this Honourable Court in WMP(MD) NO.5288/ 2018 in WP(MD) No.5350/2018 and extended by this honourable Court on 21/08/2018.

Prayer in WMP(MD) . 8167/ 2019 :

To vacate the interim order of stay dated 14/03/2018 passed by this Honourable Court in WMP(MD) NO.5287/ 2018 in WP(MD) No.5350/2018 and extended by this honourable Court on 21/08/2018.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.V.PERUMAL, Advocate for the petitioner and of Mr.J.GUNASEELANMUTHIAH, Additional Government Pleader for R1, and M/S.MARIA ROSOLINE, Advocate for R2, the court made the following order:-

The petitioner's counsel is not ready to get along with the matter. The contesting respondent has already filed an application for vacating the interim order. Therefore, the interim order earlier granted is modified. Pursuant to the condition imposed by this Court, the petitioner had deposited a sum of Rs.35,00,000/- in Canara Bank, at Tepakulam Main, Trichy.

2.The Fixed Deposit details are as under:-

Canara Bank D.P.Code Sl.No.599379
Deposit Receipt

KAMADHENU DEPOSIT GENERAL						
Received from 1.Messrs MICRO AND SMALL ENTERPIRSES FACILITATION 2. 3. COUNCIL TRICHY REGION, DISTT INDUSTRIES CENTRE TIRUCHIRAPALLI TIRUCHIRAPALLI the sum of (in words) Rupees THIRTY FIVE LAKH ONLY Condition of Repayment				Branch : TRICHY TEPPAKULAM MAIN-1222 Date of Deposit : 19/09/2017 Customer ID : 111659507 Account No : 1222401004007/1 D.O.B(if minor) Nomination : NO Regd Nominee : Nominee ID : Annualised Interest Yield : 6.53		
Value Date	Deposi t Amount	Deposi t Period	Rate of Intere st (%) P.A	Total Intere st	Maturit y Date	Maturi ty Amount



19/09/2017	INR35,00,000.00	6 Month (s) 0 Day(s)	6.35	INR1,12,008,00	19/03/2018	INR36,12,008.00
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WEB COPY

For Canara Bank
Sd/-

3.The second respondent / Proprietor, M/s.Oxford Engineering Centre is permitted to withdraw a sum of Rs.5,00,000/- (Rupees Five Lakhs only) from the said account.

4.Registry is directed to call this matter on 17.06.2019.

sd/-
30/04/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE GENERAL MANAGER,
MICRO AND SMALL ENTERPRISES FACILITATION COUNCIL,
TIRUCHIRAPALLI REGION,
DISTRICT INDUSTRIES CENTRE,
TIRUCHIRAPALLI - 620 001

+1. C.C. to M/S.J.MARIA ROSELINE Advocate SR.No.7945

ORDER
IN
WP(MD) No.5350 of 2018
and
WMP(MD) Nos.5287, 5288 of
2018, 8166 & 8167 of 2019
Date :30/04/2019