

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.898/2020

Thirumalaivasa Modern Rice Mill
rep.by its Partner C.Venkatesan
No.227/8, Poonimangadu Village
Thirutani Taluk, Tiruvallur District. ... Petitioner

Versus

1.The Chief Manager
State Bank of India,
Stressed Assets Recovery Branch
Red Cross Building, II Floor,
No.32, Montieth Road, Egmore,
Chennai 600 008.

2.The Branch Manager
State Bank of India
Thirutani, Tiruvallur District. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to extend the time for one year to settle the entire dues to the tune of Rs.63,55,486/- as per the communication sent by the 1st respondent on 26.08.2019.

For Petitioner : Mr.C.Prakasam

For RR 1 & 2 : Mr.O.Padmaprakash

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

(1) By consent, the writ petition is taken up for final disposal. Mr.O.Padmaprakash, learned counsel accepts notice on behalf of respondents.

(2) The petitioner had availed financial assistance from the 2nd respondent / Bank and in the light of the default committed, the 2nd respondent / Bank had sent a communication dated 27.03.2017 in No.SBI/00937/SME/2016-17/096, giving out the details of the Account status, which has been extracted below:-

Account	Facility	Limit	Drawing Power	Outstanding [as on 27.03.2017]	Irregularity Rs.
33693576047	CC	25.00	25.00	25.52	0.52
31934315534	CC [Tiruttan i]	50.00	50.00	50.09	0.09
31763151189	TL	90.00	5.61	9.12	3.51
33786983955	TL	7.28	3.03	3.06	0.03
Total		172.28	83.64	87.79	4.15

and has also indicated that the said Account has been classified as 'Non Performing Asset' on 31.01.2017 due to non-payment of dues in the Term Loan and it has been migrated to the Stressed Assets Recovery Branch for further recovery proceedings. The respondents/Bank has also sent a communication dated 26.08.2019 to the petitioner, stating among other things that they are eligible for settlement under SBI scheme for One Time Settlement of NPAs and AUCAs on certain terms and conditions and indicated that the One Time Settlement amount of Rs.63,55,466/- is to be paid within the stipulated time frame. It also appears that the respondents/Bank has also initiated action under the provisions of the Recovery of Debts and Bankruptcy Act, 1993 [in short 'the RDDB Act' as amended from time to time, by filing OA.No.74/2018 on the file of the Debts Recovery Tribunal - I [DRT-I] at Chennai and a Recovery Certificate was also issued for a sum of Rs.1,19,52,797.02p., together with interest at the rate of 9% [simple interest] from 30.01.2018 till the date of realisation with a default clause.

- (3) The learned counsel for the petitioner would submit that the petitioner has submitted a detailed representation dated 20.12.2019 to the respondents pointing out that it had repaid more than 95% of the loan amount and still the respondents / Bank are insisting to pay a sum of Rs.79,44,357/- and further pointed out that the petitioner has also paid a sum of Rs.8,20,000/- and prays for extension of time to comply with the terms and conditions of the One Time Settlement.
- (4) Per contra, Mr.O.Padmaprakash, learned Standing counsel appearing for respondents 1 and 2 would submit that despite a fair offer was given in the form of One Time Settlement by means of a communication of the 2nd respondent dated 26.08.2019, the petitioner is unable to comply with the same and further pointed out that the petitioner, as a matter of right, cannot insist for One Time Settlement scheme on his own terms and conditions and prays for dismissal of this writ petition.
- (5) This Court has carefully considered the rival submissions and also perused the materials placed before it.
- (6) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 20.12.2019 on merits and in accordance with law and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.
- (7) The writ petition stands disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

AP

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To

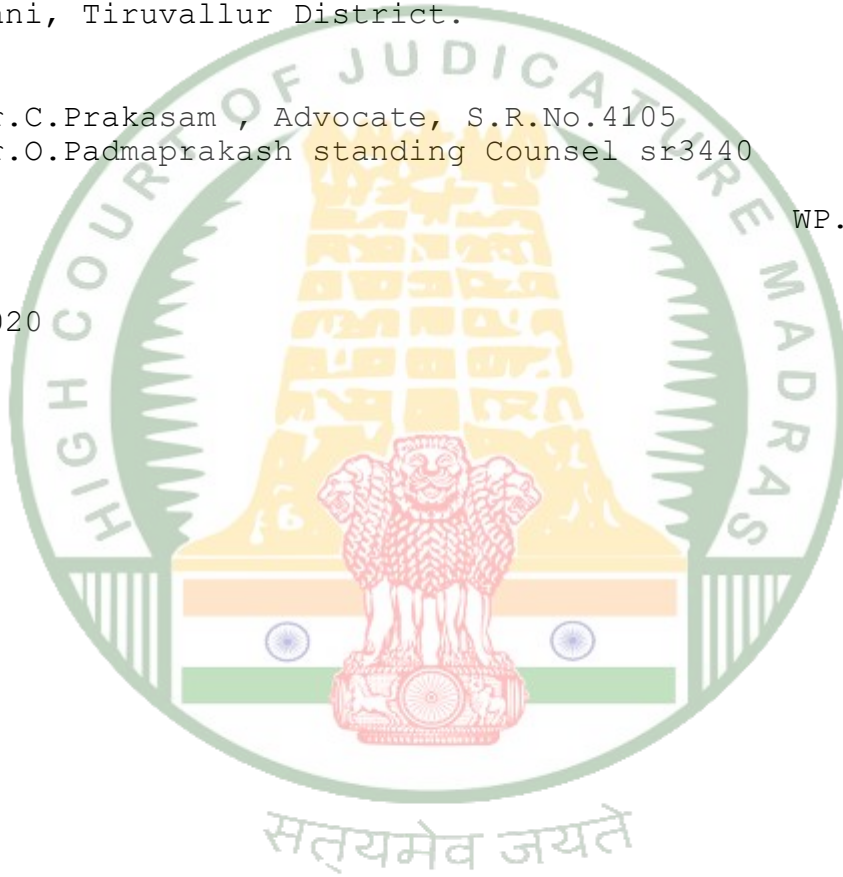
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+1cc to Mr.C.Prakasam , Advocate, S.R.No.4105
+1cc to Mr.O.Padmaprakash standing Counsel sr3440

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