

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.2488/2020

V.C.Ocean Engineering and
Consultancy Pvt Ltd.,
rep.by its Managing Director Mr.S.Sakthivel
Regd Office, 10[53] Sanjeevi Street
Arumbakkam, Chennai 600 106.
Design Office, No.7, Chakravarthy Nagar
Narayanapuram, Pallikaranai
Chennai 600 100.

.. Petitioner

Versus

1.City Union Bank
Abhiramapuram Branch
64, C.P.Ramaswamy Road
Abhiramapuram,
Chennai 600 018.

2.The Banking Ombudsman
O/o.The Banking Ombudsman
Tamil Nadu & Union Territories of
Puducherry & Andaman & Nicobar Islands
Reserve Bank of India Building [II Floor]
Fort Glacis, Post Box No.40,
No.16, Rajaji Salai,
Chennai 600 001.

.. Respondents

PRAYER:- Writ petition filed under Article 226 of the
Constitution of India prays to issue a Writ of mandamus
directing the 2nd respondent to enquire into the petitioner's
complaint dated 20.07.2019 and pass necessary orders in the same
in accordance with law.

For Petitioner	:	Mr.T.Sundar Rajan
For Respondents	:	Mr.R.Sivaraman for R1 Mr.C.Mohan for M/s.King and Patridge for R2

ORDER

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

(1)The above writ petition came up for admission on 04.02.2020 and this Court passed the following order:-

'The learned counsel for the petitioner would submit that the respondents/Bank insisted the signature of one of the Directors of the petitioner Company who has been removed despite the fact that there are adequate securities for the loan availed and the Managing Director and other Directors had also signed the necessary security documents. He would further submit that all of a sudden, their Banking operations have been sealed and simultaneously, the 1st respondent/Bank has initiated proceedings under the provisions of the Recovery of Debts and Bankruptcy Act, 1993 as well as under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and challenging the Possession Notice, a statutory appeal has also been filed before the Debts Recovery Tribunal-II at Chennai.

2.The learned counsel would further add that it would be sufficient to direct the 2nd respondent to consider and dispose of their complaint dated 20.07.2019 on merits and in accordance with law at the earliest.

3.The learned counsel for the petitioner is permitted to take private notice to the 1st respondent and also serve notice and paper on any one of the learned Standing counsel appearing for the 1st respondent/Bank.

4.Call on 12.02.2020 in the MOTION LIST.'

(2)Mr.C.Mohan, learned counsel for M/s.King and Patridge, appearing for the 2nd respondent would submit that the complaint given by the petitioner had been given disposal vide Letter bearing No.BO [Che]/3632/C-5430/2019-20 dated 06.02.2020. He has also produced a copy of the said Letter. The same is taken on file and record.

(3)The Court heard the submissions of Mr.R.Sivaraman, learned counsel appearing for the 1st respondent also, who would submit

that action has been initiated under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and it is also put to challenge by the petitioner by filing SA.No.466/2019 on the file of the Debts Recovery Tribunal-II, at Chennai and the same is still pending.

(4) In the light of the above said communication sent by the 2nd respondent to the petitioner, nothing remains for further adjudication in this writ petition. However, if the petitioner is so advised and it is available to them under law, they are always at liberty to work out their remedy in accordance with law before the appropriate and competent Forum.

(5) The writ petition stands dismissed subject to above observation. No costs.

Sd/-
Assistant Registrar(C.S.IV)

/True Copy/

Sub Assistant Registrar

To

- 1.City Union Bank
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- 2.The Banking Ombudsman
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Fort Glacis, Post Box No.40,
No.16, Rajaji Salai,
Chennai 600 001.

+1 cc to M/s.R.Sivakumar, Advocate Sr.No. 12560
+1 cc to M/s.King & Patridge, Advocate Sr.No. 11352
+1 cc to M/s.T.Sundar Rajan, Advocate Sr.No. 11669

AKM/13.03.2020/3P-6C /

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