

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBBIAH
AND
THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

W.P.No.8583 of 2020

Nalinadevi
Proprietrix
M/s.G.R.Enterprises.

.. Petitioner

Versus

The Chief Manager
Bank of Baroda (erstwhile Vijaya Bank)
Adyar Branch
No.77, Gandhi Nagar,
1st Main Road
Adyar, Chennai-600 020

.. Respondent

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 22.05.2020 by providing the details of the auction sale held on 13.03.2020 by the respondent bank.

For Petitioner : Mr.J.Rajmohan

For Respondent : Mr.R.Imayavaramban
for M/s.Ramalingam Associates.

O R D E R

[The Order of the Court was made by R.Subbiah, J.]

This writ petition has been filed seeking Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 22.05.2020 by providing the details of the auction sale held on 13.03.2020 by the respondent bank.

2. The petitioner is stated to have taken franchisee of "Marrybrown" restaurant at Paruthipattu and Avadi, Chennai during the year 2014 by availing certain credit facilities from the respondent bank by way of four loan accounts under the name

of G.R.Enterprises and G.R.V.Trading, and the petitioner's husband stood as guarantor and the petitioner executed mortgage deed in favour of the respondent bank by offering three properties as collateral which is worth about more than Rs.2.00 crores. It is further stated that On 26.06.2016, the petitioner's restaurant was completely destroyed in fire due to the lightning occurred because of the heavy rainfall and thunder storm on that day and suffered heavy loss. The Petitioner sent an intimation to the Insurance Company for processing insurance claim. In the mean while, on 03.05.2017, the respondent bank issued demand notice u/s.13(2) of SARFAESI Act, 2002, calling upon the petitioner to pay the entire due amount of Rs.1,07,07,903.35/- , within a period of sixty days.

3. The petitioner approached the bank with OTS proposal of Rs.1.00 core and the same was rejected. Thereafter, the bank went for e-auction on 26.12.2018, 31.08.2019 and 17.02.202. Then, the respondent bank issued e-auction sale notice dated 21.02.2020 by fixing auction date on 13.03.2020 by reducing the reserve price to Rs.61,00,000/- from Rs.67,00,000/- which is very low when compared to the valuation report given by the respondent bank itself.

4. It is stated by the petitioner that on 14.03.2020 the respondent bank Manager informed her about the auction sale held on 13.03.2020 and that property has been sold out. On 22.05.2020, the petitioner has sent a representation asking for details about the auction sale to the respondent bank. According to the petitioner, till date, the respondent bank has not come forward to provide the correct details about the auction sale and the successful bidder and also as regards the balance amount due to the respondent bank, so as to make arrangement for the same to protect her other mortgaged property. In such circumstances, the petitioner has come forward with the present writ petition seeking the above said prayer.

5. The learned counsel for the respondent Bank submits that the representation of the petitioner dated 22.05.2020 has already been considered by the Bank and suitable reply was also sent to the petitioner.

6. The learned counsel for the petitioner however submits that he wants time to verify the matter and to report the same before this court.

7. Taking into consideration the submission made by the learned counsel for the respondent-Bank that suitable reply has already been given to the petitioner, we are of the considered view that nothing survives for further adjuciation in this matter and no further adjourment is required. Hence, recording the submission made by the learned counsel for the respondent bank, this Writ Petition is dismissed. No costs.

-s/d-

Assistant Registrar

True Copy

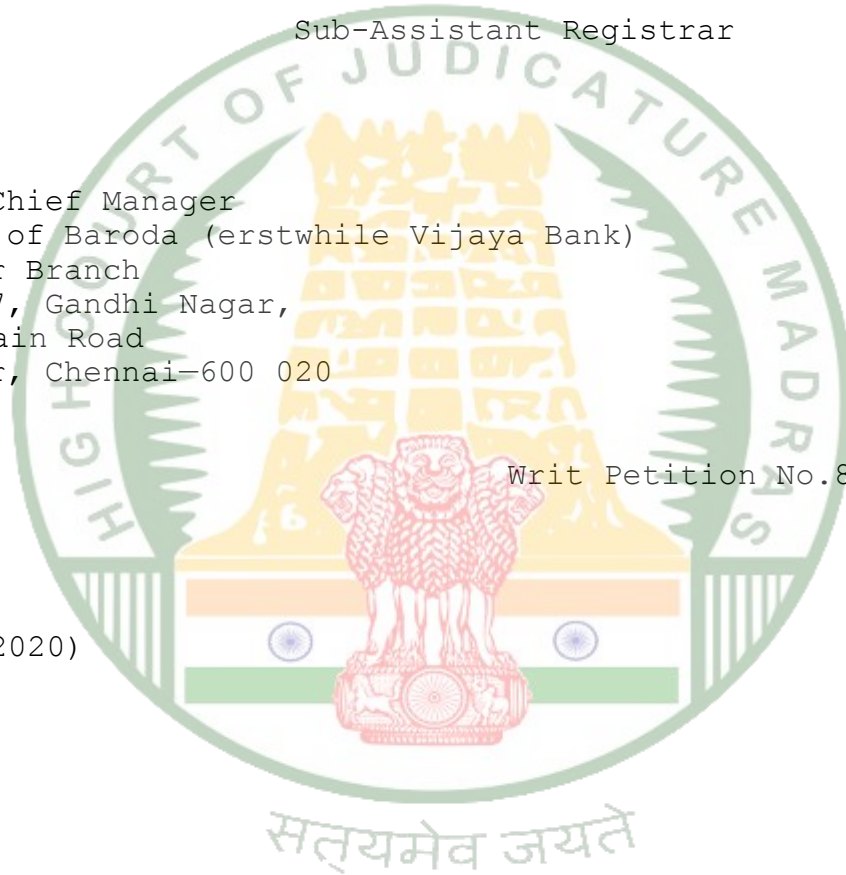
Sub-Assistant Registrar

To

The Chief Manager
Bank of Baroda (erstwhile Vijaya Bank)
Adyar Branch
No.77, Gandhi Nagar,
1st Main Road
Adyar, Chennai-600 020

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RJI (CO)
SP(01/10/2020)



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