

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16071 of 2020
and
W.M.P.No.20023 of 2020
(Heard through VC)

K.Venkatesan
Proprietor,
M/s.Swetha Modern Rice Mill,
Tiruvallur District. ... Petitioner

-vs-

The Tamilnadu Industrial Investment Corporation Ltd.,
Rep by its Branch Manager- Tiruvallur Branch,
No.86, C & D, 2nd Main Road,
Ambattur Industrial Estate,
Chennai- 600 058. .. Respondent

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorari Calling for the records on the file of the respondent dated 12.10.2020 vide reference TIIC/TVLR/LAO/2020-21 and to quash the same as illegal and improper.

For Petitioner : Mr.Palaniappan
For Mr.M.Mohideen

For Respondent : Mr.K.Magesh

O R D E R

The writ petition is filed challenging the order passed by the respondent in reference No.TIIC/TVLR/LAO/2020-21, dated 12.10.2020.

2. Without going into the merits of the case, the following order is passed:

3. The petitioner had borrowed a loan from the respondent-Corporation to establish a modern rice mill. As there has been a default by the petitioner in repayment of the loan amount, it is stated that on 04.11.2020, the respondent-corporation has taken possession of the petitioner's rice mill. The writ petition is directed against the rejection order for the offer of one time settlement (OTS).

4. The learned counsel appearing for the petitioner would submit that normally in the calendar year, January and February are the only months, where the rice mill put to optimum use and the petitioner can earn money and repay the loan. If the possession is not returned to them, it will be difficult for the petitioner to mobilise funds to repay the loan.

5. Considering the pandemic situation and also the fact that the petitioner was ready with an offer of Rs.30,00,000/- in the month of March, 2020, the respondent is directed to give back possession to the petitioner on the following conditions:

(1) The petitioner shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the respondent within a period of 10 days from today. Upon such payment being made, the respondent is directed to unlock the seal and give back possession of the rice mill to the petitioner.

(2) The petitioner is also directed to pay Rs.5,00,000/- (Rupees Five Lakhs only), on or before 31.01.2021 and another Rs.5,00,000/- (Rupees Five Lakhs only), on or before 28.02.2021. If the petitioner fails to pay the amount of Rs.20,00,000/- (Rs.10,00,000 + Rs.5,00,000/- + Rs.5,00,000/-) within the time stipulated, it is open to the respondent to take any action as may be directed by law.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

The Branch Manager- Tiruvallur Branch,
The Tamilnadu Industrial Investment Corporation Ltd.,
No.86, C & D, 2nd Main Road,
Ambattur Industrial Estate,
Chennai- 600 058.

+1cc to Mr.K.Magesh, Advocate, S.R.No. 41369

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