

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WP.No.17057/2020 & WMP.No.21131/2020

M/s.Venus Board

rep.by its Partnet, J.Amburose
No.30, Gandhi Nagar,
Thandalraman Nagar,
Sanganoor Village,
Coimbatore 641027.

..Petitioner

Versus

Syndicate Bank
Now amalgamated as Canara Bank
rep.by its Authorised Officer
Regional office No.1,
R.S.Puram, Coimbatore 6410002.

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent Bank to consider the petitioner's representation dated 16.03.2020 for [One Time Settlement Offer] OTS offer.

For Petitioner : Mr.P.Sidharthan

For Respondent : Mr.P.Raghunathan for
M/s.T.S.Gopalan & Co

ORDER

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

(1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.

(2) Mr.P.Raghunathan, learned Standing counsel for M/s.T.S.Gopalan and Co., accepts notice on behalf of the sole respondent-Bank.

(3) The petitioner is carrying on wholesale paper business in the name and style of 'M/s.Venus Board' and for business purposes, had availed loan amount of Rs.26 Lakhs from the

respondent-Bank and for the due repayment of the loan, had mortgaged residential-cum-commercial property at Door No.30, Gandhi Nagar, Thandalraman Nagar, Sanganoor Village, Coimbatore District and that apart, also availed CC Loan of Rs.40 Lakhs as well as Housing Loan of Rs.34 Lakhs , in all aggregating to a sum of Rs.74 Lakhs. The petitioner, due to vagaries of weather, started incurring loss in running of the business and therefore, the Account came to be classified as 'Non Performing Asset' and proceedings were initiated under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, [in short 'SARFAESI Act'] and the property was also brought for sale vide Sale Notice dated 201.12.2019 for recovery of a sum of Rs.1,72,50,211/- due as on 28.01.2020. In the auction sale, the successful auction purchaser was identified and in the light of the Appeal in Sa.No.46 of 2020 filed by the petitioner under Section 17 of the SARFAESI Act, before the Debts Recovery Tribunal, Coimbatore, status quo is in operation. Therefore, the Sale Certificate could not be executed in favour of the auction purchaser.

- (4) The learned counsel for the petitioner would submit that the petitioner has sent a representation dated 16.03.2020 for One Time Settlement Scheme, to close both the accounts for Rs.63 Lakhs and the respondent-Bank has sent a communication dated 09.09.2020 stating conducting of Special Camp for Collection of Loans through OTS and called upon the petitioner to avail the said benefit. The petitioner has also submitted yet another representation dated 15.10.2020, offering to pay a sum of Rs.41 Lakhs in respect of both Accounts, if possession of the assets have been handed over and since the said representation is yet to be disposed of and pendency of the same, E-auction Sale Notice dated 20.10.2020 came to be issued for auctioning the land and house in SF.No.7, of Sanganoor Village, came forward to file the present writ petition, praying for appropriate orders.
- (5) Mr.P.Raghunathan, learned Standing Counsel appearing for the respondent-Bank would submit that the representation of the petitioner, if not already disposed of, would be considered and given a disposal within the prescribed parameters.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondent to consider and dispose of the petitioner's representations dated 16.03.2020 and 15.10.2020 respectively 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.

(8)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

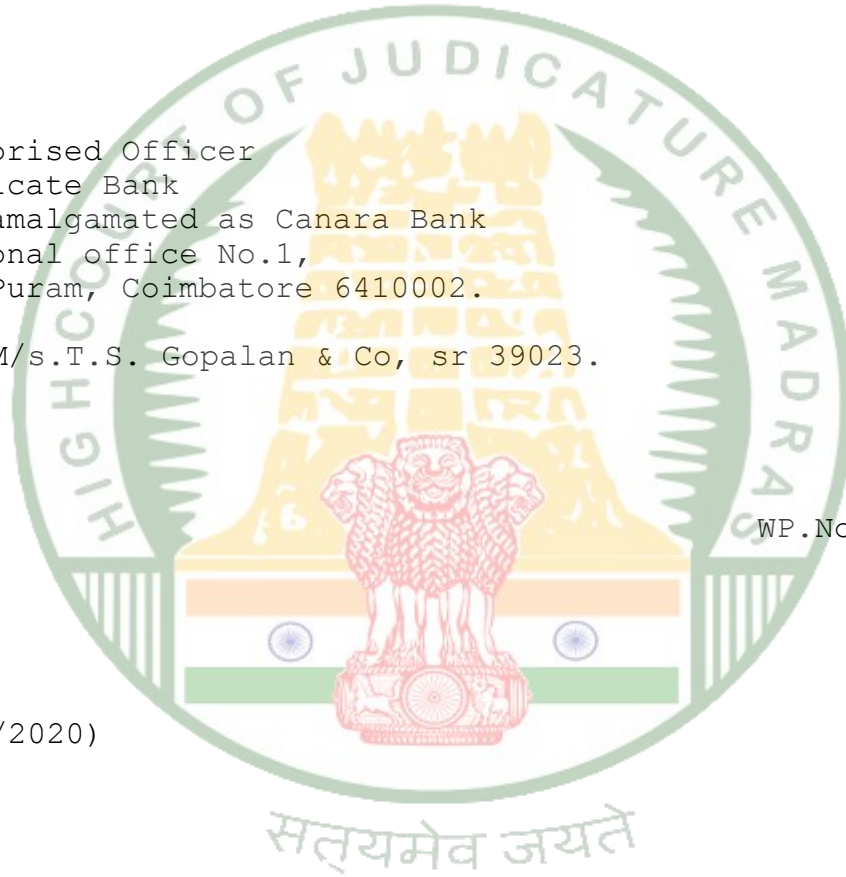
AP
To

Authorised Officer
Syndicate Bank
Now amalgamated as Canara Bank
Regional office No.1,
R.S.Puram, Coimbatore 6410002.

+1 CC to M/s.T.S. Gopalan & Co, sr 39023.

WP.No.17057/2020

SSI (CO)
CAA (19/12/2020)



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