

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN  
AND  
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.NO.17722 OF 2020  
AND  
W.M.P.NO.21963 OF 2020

M/s.K.R.&Co.,  
Represented by its Proprietor K.K.Ammasai,  
Door No.351, Mettur Main Road,  
Kuthiraikal Medu,  
Kuruchi Village, Bhavani Tk.,  
Erode - 638 314. .... Petitioner

Vs.

1. The Branch Manager,  
Canara Bank, Bhavani Branch,  
Rajalakshmi Complex,  
NH 47, Main Road, Near New Bus Stand,  
Bhavani - 638 301.
2. Regional Director,  
Reserve Bank of India,  
Fort Glacis, No.16, Rajaji Salai,  
Chennai - 600 001. ... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1<sup>st</sup> respondent to consider the representation of the petitioner dated 22.10.2020 and to kindly regularise the petitioner's loan account.

For Petitioner : Mr.K.M.Anand  
For R1 : Mr.P.Raghunathan  
for M/s.T.S.Gopalan & Co.  
For R2 : Mr.C.Mohan  
for M/s.King and Partridge

O R D E R  
(Order of the Court was made by M.SATHYANARAYANAN, J.)  
(Through Video Conferencing)

The petitioner is running an MSME Unit. In the lieu of the defaults committed by the petitioner, the loan account was declared as "Non-Performing Asset". The petitioner was issued with a notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("SARFAESI Act" for brevity) on 26.09.2019, followed by possession notice under Section 13(4) of the SARFAESI Act on 15.02.2020 with regard to the sale of property for a sum of Rs.53,50,000/- in order to recover a sum of Rs.78,47,331.3 due as on 31.01.2020. The petitioner, challenging the same, has also filed S.A.No.196 of 2020 and the same is pending before the jurisdictional Debts Recovery Tribunal. The petitioner has submitted a representation, dated 22.10.2020, for regularisation of his loan account, and since it has not been disposed of, came forward to file this writ petition.

2.Learned counsel appearing for the petitioner would submit that, admittedly, the petitioner was running an MSME Unit, and in the light of the sudden onset and outbreak of Covid-19 Pandemic, almost all economic activities came to a standstill, and therefore, the 1<sup>st</sup> respondent Bank ought to have taken into consideration the said aspect and granted relief as sought for by the petitioner in his representation.

3.Mr.P.Raghunathan for M/s.T.S.Gopalan & Co., learned Standing Counsel for the 1<sup>st</sup> respondent Bank, would submit that the representation submitted the petitioner has been considered and given disposal, and it has also been communicated to the petitioner, on 16.12.2020, and further points out that the Secured Assets have also been put into auction, in which, one Mr.Ravi became the successful bidder, and the remedy, if any, open to the petitioner is to pursue further proceedings in accordance with law.

4.In compliance with the orders passed by this Court, Mr.C.Mohan for M/s.King and Partridge, has appeared for the Reserve Bank of India and would submit that, in the present facts and circumstances, the presence of the 2<sup>nd</sup> respondent is not all required, especially, no relief is sought for against them, and that apart, further points out that, since the representation has been given disposal on 06.11.2020, nothing remains for further adjudication in this writ petition.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.In the light of the fact that the representation given by the petitioner has been considered and given disposal, nothing remains for further adjudication in this writ petition. If the petitioner is so advised and if it is available to him under law, it is left open to him to work out his remedy in accordance with law before the competent forum.

This writ petition is closed subject to the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mkn

To

1. The Branch Manager,  
Canara Bank, Bhavani Branch,  
Rajalakshmi Complex,  
NH 47, Main Road, Near New Bus Stand,  
Bhavani - 638 301.
2. The Regional Director,  
Reserve Bank of India,  
Fort Glacis, No.16, Rajaji Salai,  
Chennai - 600 001.

+1cc to Mr.K.M.Anand, Advocate, S.R.No.42929

+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.42910

+1cc to M/s.King and Partridge, Advocate, S.R.No.42788

W.P.No.17722 of 2020

SR II (CO)

CS/03/02/2021

WEB COPY