

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.16888 of 2020  
and W.M.P.No.20954 of 2020

M/s.Premier Distilleries (P) Ltd.,  
registered office at  
No.377, First Floor,  
Anna Salai, Pondicherry 605 001.  
by its Managing Director,  
Sekar Kumaraswamy

.. Petitioner

Versus

The Deputy General Manager,  
State Bank of India,  
Stressed Assets Management Branch,  
Red Cross Building, II Floor,  
No.32, Montieth Road,  
Egmore, Chennai 600 008.

.. Respondents

**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 bank to Properly Consider the petitioners Representation dated 23.10.2020 for enabling the Petitioner to Avail the SBI OTS 2020 Scheme of the Respondent bank.

For Petitioner : Mr.B.Ravi Raja

For Respondents : Mr.C.Mohan for M/s.King and Partridge

ORDER

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

The learned counsel appearing for the petitioner would submit that in the light of the outbreak and subsistence of COVID-19 pandemic, the State Bank of India has introduced an One Time Settlement Scheme, 2020 on 12.10.2020 and the petitioner in this regard, has also submitted a representation dated 23.10.2020, for consideration of their request in terms of the said Scheme and it is also followed by a reminder representation dated 07.11.2020 and despite receipt and acknowledgment of said representations, the respondent Bank is keeping quite and hence prays for appropriate orders.

2. *Per contra*, Mr.C.Mohan for M/s.King and Partridge, learned

standing counsel appearing for the respondent Bank would submit that the petitioner has already instituted two litigations in W.P.No.34837 of 2019 as well as W.P.No.12676/2020, challenging non consideration of the petitioner's request for One Time Settlement Scheme of the year 2019 and declared the petitioner as a wilfull defaulter and that apart, the secured assets of the petitioner's Company had also been sold through an E-auction and it was knocked down in favour of one Mr.Ramesh, who has also made an initial deposit and challenging the legality of the auction sale notice, SA.No.181/2019, is also pending on the file of the Debts Recovery Tribunal-I, Chennai and orders are reserved and are likely to be pronounced very soon. It is the further submission of the learned standing counsel appearing for the respondents by drawing attention of this Court to the SBI One Time Settlement Scheme, 2020, especially Clause 4 of the item titled "Coverage" and in the light of the fact that auction sale had already been conducted and third party right has been intervened, the petitioner may not be entitled to the benefit of the SBI One Time Settlement Scheme, 2020 and reply in this regard would be sent very soon.

3. In response to the said submission, the learned counsel appearing for the petitioner would submit that the petitioner's genuine request for availing the One Time Settlement Scheme are deliberately turned down and therefore requests the Court to issue a positive direction.

4. It is a well settled position of law that terms of the One Time Settlement Scheme, to be complied with strictly in respect of the principal borrowers and anything to be decided beyond the scheme, this Court cannot issue any positive direction.

5. Be that as it may, this Court without going into the merits of the rival claims as projected either in their representations or in this Writ Petition, directs the respondent to respond to the representation and reminder representation of the petitioner dated 23.10.2020 and 07.11.2020, in accordance with law and send their responses within a period of twelve weeks from the date of receipt of a copy of this order and communicate the same, to the petitioner.

6. The Writ Petition stands disposed of, accordingly. No costs.  
Consequently connected miscellaneous petition is closed.

[M.S.N.,J] [R.H., J]  
24.11.2020

sk

Internet : Yes/No

Index : Yes/No

To

The Deputy General Manager,

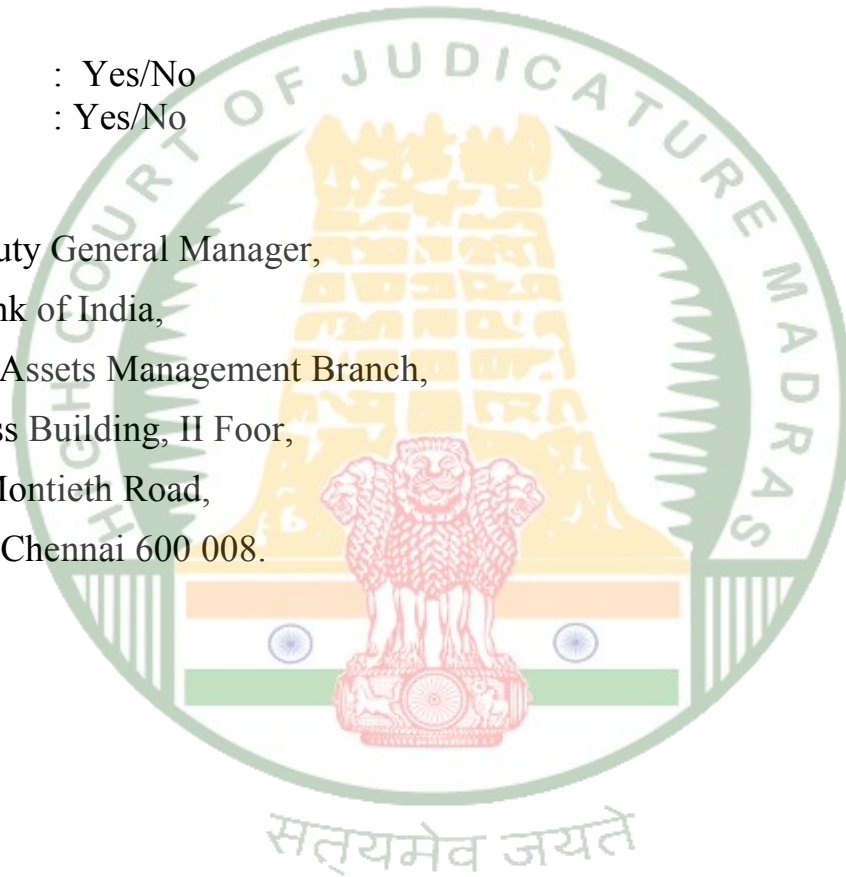
State Bank of India,

Stressed Assets Management Branch,

Red Cross Building, II Floor,

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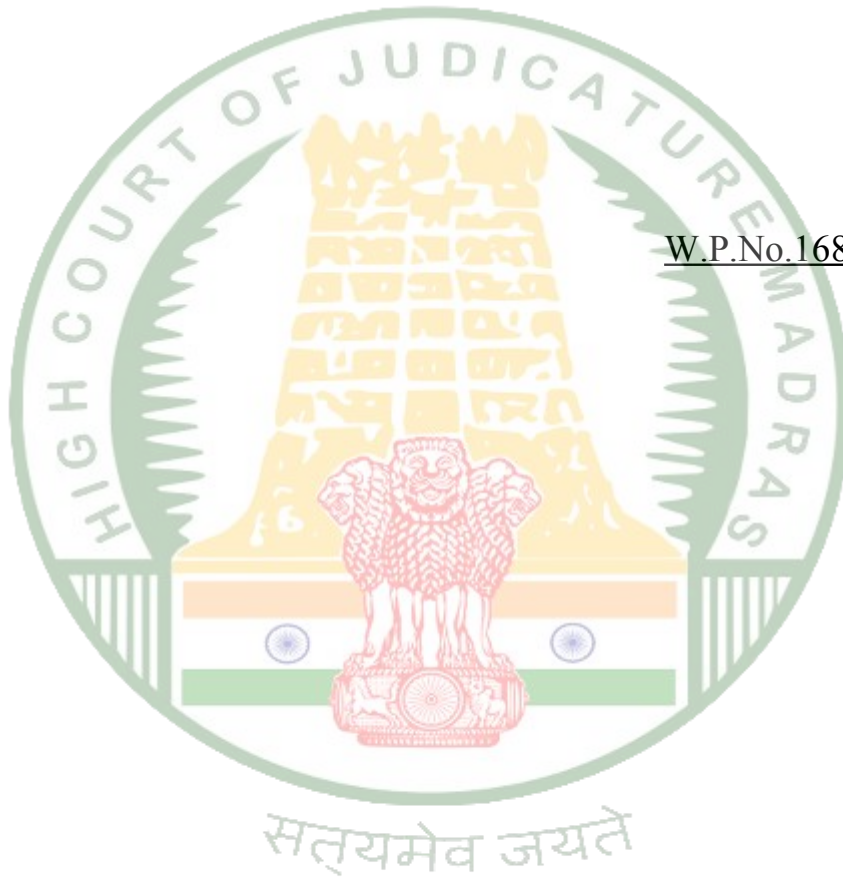


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M.SATHYANARAYANAN, J.,  
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