



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Nineteenth day of August Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MRS JUSTICE R. HEMALATHA

WMP No.35929 of 2019

IN WP.35136/2019

1 LALITHA MURALIDHARAN, [PETITIONER]
W/O.T.R.MURALIDHARAN, PROP. M/S. SAI LALITH
FRAGRANCE, PLOT NO. B-25, PHASE II, MADRASE
EXPORT PROCESSING ZONE, MEPZ-SEZ, TAMBARAM,
CHENNAI - 600045

Vs

1 THE REGIONAL DIRECTOR, [RESPONDENTS]
THE RESERVE BANK OF INDIA, (DEPARTMENT OF
BANKING SUPERVISION), 16, RAJAJI SALAI,
CHENNAI - 600001

2 AXIS BANK LTD.,
CORPORATE BANKING BRANCH, CLUB HOUSE ROAD,
CHENNAI - 600002

3 AXIS BANK LTD.,
TAMBARAM SME CENTRE, 14/ 57, I MAIN ROAD,
DOOR NO. 2, CLC WORKS ROAD, CHROMPET,
CHENNAI - 600044

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of Interim Direction, directing the 2nd Respondent to permit operations in the account of the Petitioner with a holdover of 10 Percent of all realizations to enable to the Petitioners unit to continue with the business operations and prevent the business coming to stand still (IN WMP.NO.35929 OF 2019) pending disposal of the above writ petition NO.35136 OF 2019.



Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.E.OM PRAKASH, SENIOR COUNSEL FOR M/S. J.ANTONY JESURAJA, Advocate for the petitioner and of MR.C.MOHAN FOR R1 OR M/S.KING & PARTRIDGE and of MR.M.R.UMA VIJAYAN, advocate on behalf of the 2 & 3 Respondents the court made the following order:-

ORDER

(Order of the Court was made by *M.M.SUNDRESH, J.*)

This writ miscellaneous petition has been filed along with the writ petition seeking appropriate direction as against the 2nd respondent.

2. The learned senior counsel appearing for the petitioner submitted that huge orders have been placed on the petitioner by various agencies outside the country which includes export of extract of Turmeric in view of the pandemic situation. Apart from the foreign exchange revenue, it will facilitate the running of the industry by the petitioner which in turn will also help the 2nd respondent.

3. The learned counsel appearing for the respondents 2 and 3 submitted that the case against the petitioner is that of diversion of the funds contrary to the undertaking given earlier through the Indian Bank. The petitioner will have to show its bonafide.

4. The statement made by the learned senior counsel appearing for the petitioner that of the money to be sent by the foreign entities pursuant to the obligations being performed by the petitioner, 10% can be withheld by the 2nd respondent will have to be enhanced to 30% without prejudice to the contentions on merits.

5. By way of reply, the learned senior counsel for the petitioner submitted that he would undertake to close the account of the petitioner with the Indian Bank within two days from today and the remaining credit balance available will be transferred to the credit of the 2nd respondent. The said statement is recorded.

6. Accordingly, on such compliance by the petitioner, it shall be permitted to operate the account which has been freezed by the 2nd respondent subject to the understanding that the 2nd respondent is entitled to withhold 30% of the amount to be remitted by the foreign entities pursuant to all the business transactions with the petitioner. This order is passed without prejudice to the contentions on merits.



This writ miscellaneous petition is disposed of accordingly with the above directions. No costs.

WEB COPY

-sd/-
19/08/2020

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE REGIONAL DIRECTOR,
THE RESERVE BANK OF INDIA,
(DEPARTMENT OF BANKING SUPERVISION),
16, RAJAJI SALAI, CHENNAI - 600001

C.C. to M/S. J.ANTONY JESURAJA Advocate on payment of
necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.35929/2019

in
WP.35136/2019

Date :19/08/2020

From 26.2.2001 the Registry is issuing certified
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VC (01/09/2020)