



WEB COPY

W.P.(MD)No.13279 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.10.2020

CORAM

THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN

AND

THE HON'BLE Mr. JUSTICE B.PUGALENDHI

W.P. (MD)No.13279 of 2020

Mohamed Kassali, S/o.Mohamed Hassan

.. Petitioner

Vs.

1.The Assistant General Manager,
Stressed Assets Recovery Branch (SARB),
Madurai (13165) Branch,
Vinayagar Branch,
8, Dr.Ambedkar Road,
Madurai - 20.

2.The Authorized Officer,
State Bank of India,
Stressed Assets Recovery Branch (SARB),
Madurai (13165) Branch,
Madurai - 20.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent herein to extend the time to deposit the remaining amount of Rs.55,00,000/- towards the E-Auction in respect of Item No.4 in E-Auction Sale Notification dated 25.02.2020, on the basis of the petitioner's request dated 18.06.2020.

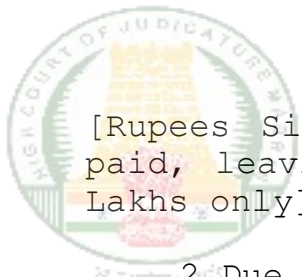
For Petitioner
For Respondents

: Mr.P.M.Vishnuvarthanan
: Mr.N.Dilipkumar

ORDER

(Order of the Court was made by N.KIRUBAKARAN, J.)

The petitioner participated in the E-Auction conducted on 20.03.2020 with regard to Item No.4 of Sale Notification dated 25.02.2020 in respect of the property of M/s.Ruby Modern Rice Mill at Tiruchendur, Thoothukudi District, and became the successful bidder for a sum of Rs.1,16,00,000/- [Rupees One Crore and Sixteen Lakhs only]. The petitioner has already deposited a sum of Rs.11,60,300/- [Rupees Eleven Lakhs Sixty Thousand and Three Hundred only] as EMD on 18.03.2020. After declaration of the petitioner as L1 in the E-Auction Sale, he deposited Rs.17,50,000/- [Rupees Seventeen Lakhs and Fifty Thousand only] on 20.03.2020 and Rs.32,17,700/- [Rupees Thirty Two Lakhs Seventeen Thousand and Seven Hundred only] on 23.03.2020. Thus, totally a sum of Rs.61,28,000/-



[Rupees Sixty One Lakhs and Twenty Eight Thousand only] has been paid, leaving the balance sum of Rs.55,00,000/- [Rupees Fifty Five Lakhs only].

2. Due to COVID-19 outbreak, the petitioner, who is an N.R.I. and working in Riyadh, could not go to the said Country and pay the money and therefore, the petitioner gave a representation on 18.06.2020 seeking extension of time, which was rejected by the Bank, by order, dated 02.07.2020, stating that there is no rule to extend the time limit.

3. Aggrieved over that, the petitioner has approached this Court by way of present Writ Petition seeking a Writ of Mandamus, to extend the time limit to deposit the remaining amount of Rs.55,00,000/- [Rupees Fifty Five Lakhs only].

4. Heard Mr.P.M.Vishnuvarthanan, learned counsel appearing for the petitioner and Mr.N.Dilipkumar, learned Standing Counsel appearing for the respondents.

5. There is no dispute with regard to declaration of the petitioner as successful bidder in the E-Auction Sale for Rs.1,16,00,000/- [Rupees One Crore and Sixteen Lakhs only] and the payment of Rs.61,28,000/- [Rupees Sixty One Lakhs and Twenty Eight Thousand only]. Admittedly, only Rs.55,00,000/- [Rupees Fifty Five Lakhs only] has to be paid. Due to COVID-19 outbreak, all the businesses are affected and one such affected person is the petitioner. Though the petitioner sought time upto September 2020, the same was rejected by the respondent Bank.

6. Considering the fact that the payment of Rs.61,28,000/- [Rupees Sixty One Lakhs and Twenty Eight Thousand only] coupled with COVID-19 situation, this Court is inclined to extend the time upto **14.10.2020** to pay the balance sum of Rs.55,00,000/- [Rupees Fifty Five Lakhs only]. The interest for the balance amount payable to the borrower during the period has to be paid by the petitioner. The interest will be credited to the outstanding of the borrower's account.

7. The Writ Petition is disposed of accordingly. No costs.

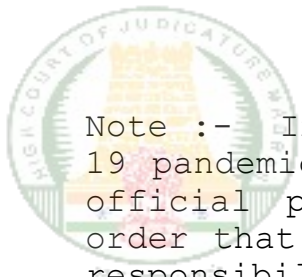
Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



Note :- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

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+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-19209[F] dated 06/10/2020)

+1 CC to M/s.P.M. VISHHNUVARTHANAN, Advocate (SR-19231[F] dated 06/10/2020)

W.P. (MD) No.13279 of 2020
05.10.2020

SGS (CO)
KB(12.10.2020) 3P 5C