



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No. 14996 of 2020

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Mohamed Kassali

... 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 Manager,
State Bank of India,
Stressed Assets Recovery Branch (SARB),
Madurai (13165) Branch,
Madurai - 20.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the first respondent herein to accept the petitioner's payment made via cheque no.770767 on 19.10.2020 in respect of item No.4 in E-Auction Sale Notification dated 25.02.2020.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.N.Dilip Kumar
Standing Counsel

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

By consent, the writ petition has been taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to accept the payment made by the petitioner through Cheque No.770767 on 19.10.2020, in



respect of Item No.4 in e-auction sale notification dated 25.02.2020.

3. The petitioner is an auction purchaser in pursuance of the e-auction sale notification dated 25.02.2020, issued by the second respondent, in respect of Item No.4 of the said notification. It appears that the auction sale in respect of Item No.4 was concluded in favour of the petitioner for a sum of Rs.1,16,28,000/-.

4. The petitioner would claim that in between 18.03.2020 and 23.03.2020, he paid a total sum of Rs.61,28,000/-. However, the remaining amount of Rs.55 lakhs could not be paid in view of COVID-19 lock down. The petitioner would state that he was working in Riyadh and unless he goes personally, the amount could not be permitted to be withdrawn from the bank at Riyadh and hence, a writ petition in W.P(MD).No.13279 of 2020 was filed and the writ petition was disposed of directing the petitioner to pay a sum of Rs.55 lakhs along with the interest on or before 14.10.2020.

5. Mr.P.M.Vishnuvarthanan, learned Counsel for the petitioner would state that in pursuance of the order of this Court in the earlier writ petition, the petitioner paid Rs.36 lakhs on 14.10.2020 and the balance of Rs.19 lakhs was paid by way of Cheque on 19.10.2020 and since the second payment was made after the cut-off date, the present writ petition has been filed.

6. Mr.N.Dilip Kumar, learned Standing Counsel for the respondents, on instructions, would submit that subsequent to the order passed in the earlier writ petition, the petitioner paid only Rs.36 lakhs on 14.10.2020 and the second payment of Rs.19 lakhs is not yet received by the second respondent/Bank. It is also stated that the petitioner is liable to pay the interest of Rs.1,54,000/- as per the earlier order and the litigation expenses also.

7. In reply, the learned Counsel for the petitioner would state that the petitioner is ready to pay the interest as per the earlier order of this Court and also litigation expenses within a stipulated time.

8. In the light of the limited scope of the prayer sought for in the writ petition and also considering the submissions of the learned Counsel on either side, this writ petition is disposed of directing the petitioner herein to pay the balance amount and interest as per the earlier order passed by this Court dated 05.10.2020 in W.P(MD).No.13279 of 2020, along with litigation expenses on or before 09.11.2020. If the entire amount is received by the bank, the sale made in favour of the petitioner can be



confirmed and necessary certificate shall be issued in favour of the petitioner. No costs.

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// True Copy //

Sd/-

Assistant Registrar (RECORDS)

/ /2020

Sub Assistant Registrar (CS)

sj / pkn

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.

+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-20630[F] dated 22/10/2020)

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22.10.2020

PU (CO)

KM (04.11.2020) 3P 2C