

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.9940 of 2021

Salem Textile Limited,
Registered Office,
Sellipalayam, Attur -636 108,
Salem District,
Rep by its Authorised Personnel,
P.Rajaram

...Petitioner

Vs

1. Government of India,
Rep by its Secretary to Government,
Ministry of Finance,
New Delhi - 110 001.
2. The Regional Director,
Reserve Bank of India,
Regional Office,
No.16, Rajaji Salai,
Fort Glacis, Chennai 600 001.
3. The Deputy General Manager,
Industrial Financial Corporation of India Ltd.,
Continental Chambers,
No.142, Nungambakkam High Road,
Chennai 600 034

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to consider and pass orders on the petitioner's OTS offer / representation dated 12.01.2021, within a period stipulated by this Court

For Petitioner : Mr.R.Prabhakaran

ORDER

The petitioner has filed this Writ Petition seeking a direction to the respondents to consider and pass orders on the petitioner's OTS offer / representation dated 12.01.2021, within a time frame.

2. The petitioner is a private limited company, incorporated under the Indian Companies Act, 1956 in the year 1967, engaged in the business of spinning yarn. It is stated that one of the Directors of the Company had created a mortgage by depositing title deeds in favour of ICICI Bank, in respect of the property situated at Appamasamudram Village, Attur Taluk, Salem District together with all buildings and structures thereon and all plant and machinery. The said mortgage was created on first charges basis to ICICI Bank, IDBI, IFCI/third respondent herein and IRBI. Thereafter, the Board for Industrial and Financial Re-construction (BIFR) declared the petitioner's Company as sick, by order dated 30.08.2005. The financial institutions had initiated recovery proceedings before the Debt Recovery Tribunal-I, Chennai and subsequently, an Order of Restraint was passed on 30.01.2017. While so, the petitioner had offered OTS proposal to all the financial institutions, which was also accepted by them. Though the petitioner submitted OTS proposals dated 23.11.2020 and 12.01.2021 to the third respondent, there is no reply till date. Hence, this Writ Petition has been filed seeking for the relief stated supra.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the third respondent to consider the petitioner's OTS Offer/representation dated 12.01.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and by affording them an opportunity of personal hearing or virtual hearing, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

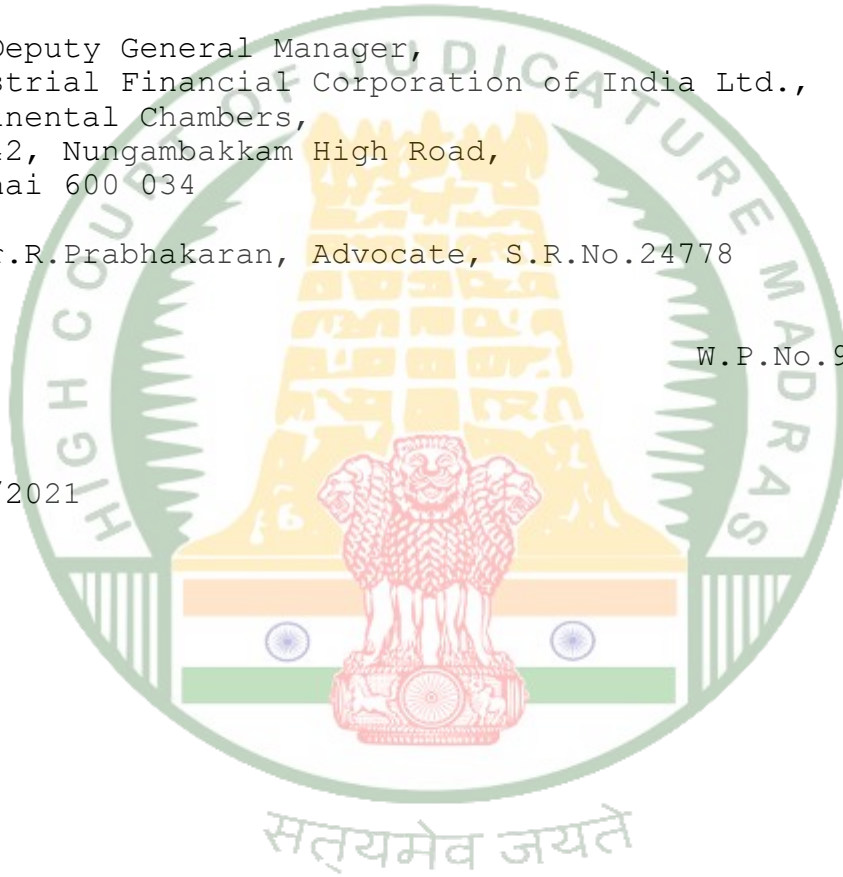
To

1. The Secretary to Government,
Government of India,
Ministry of Finance,
New Delhi - 110 001.
2. The Regional Director,
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+1cc to Mr.R.Prabhakaran, Advocate, S.R.No.24778

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GPL (CO)
KKV/02/06/2021



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