IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.7671 of 2021

1.A.Kannagi
2.Renuga Devi ...Petitioners

Vs.

1.The Deputy General Manager,
REPCO Bank,
Chennai Corporate Branch,
No.18, C.P.Ramasamy Road,
Alwarpet, Chennai – 600 018.

2.The Authorised Officer,
REPCO Home Finance Limited,
REPCO Bank, REPCO Tower,
No.33, North Ushman Road,
T.Nagar, Chennai – 600 017. ...Respondents

Prayer : Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records of the second respondent in his proceedings namely e-auction sale notice in S.No.2/102, dated 23.2.2021 and quash the same.

For the Petitioners	:	Mr.A.Ramalingam
For the Respondents	:	Mr.A.Ilangovan for 2nd respondent

ORDER
(Order of the Court was made by the Hon'ble Chief Justice)

The only ground urged on behalf of the petitioners is that the second respondent secured creditor may have no authority to issue an e-auction sale notice under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 or the Rules framed thereunder.

2. As noticed in previous judgments of this court, REPCO Bank is not a secured creditor covered by the definition of such expression in the Act of 2002. However, REPCO Home Finance Limited, notwithstanding its association with REPCO Bank, has been notified by the Central Government to be a financial institution and, thus, comes within the definition of "secured creditor" in the said Act of 2002. In such context, the two judgments of this court dated 3.3.2021 made on W.P.No.33133 of 2019 and dated 22.3.2021 made on W.P.No.7395 of 2021 may be referred to.

3. Since the secured creditor in this case is REPCO Home Finance Limited and such entity can be recognised to be a secured creditor within the definition of such expression in the Act of 2002, the principal plank of challenge fails.

4. However, it will be open to the petitioners to invoke Section 17 of the Act of 2002 to carry the petitioners' grievance pertaining to any measure taken by the secured creditor to the jurisdictional Debts Recovery Tribunal in accordance with law.

5. It is made clear that the merits of the matter have not been gone into.

6. W.P.No.7671 of 2021 is dismissed with liberty as indicated above. There will be no order as to costs.

W.M.P.Nos.8196, 8199 and 8201 of 2021 are closed.

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

sasi

To :

1.The Deputy General Manager,
REPCO Bank,
Chennai Corporate Branch,
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Alwarpet, Chennai – 600 018.

2.The Authorised Officer,
REPCO Home Finance Limited,
REPCO Bank, REPCO Tower,
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W.P.No.7671 of 2021

RLD(CO)
RVM(09/09/2021)