

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.NO.8086 OF 2021

Venkatachalapathy

.. Petitioner

Vs.

Authorised Officer
REPCO Bank
No.8, Thattara Street
Ariyalur 621 704

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the proceedings of the respondent dated 21.03.2020 under Section 13(4) and R8 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the proceedings of tender/public auction sale notice dated 10.02.2021 issued under Act 2002 read with proviso to Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 and quash the same.

For Petitioner : Mr.V.Illanchezian

For Respondent : Mr.A.Ilangovan

ORDER

(made by the Hon'ble Chief Justice)

The matter is covered by a judgment of this Court rendered on March 3, 2021.

2. In such judgment, it has been held that REPCO Bank is not a secured creditor within the meaning of the expression in the definition Section of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The judgment holds that REPCO Bank cannot be regarded as a bank

or as a financial institution for it to be treated as a secured creditor under the relevant definition.

3. In such view of the matter, the writ petition has to be allowed since the primary plank of attack in the present proceedings is the invocation of the Act of 2002 by respondent REPCO Bank.

4. W.P.No.8086 of 2021 is disposed of by setting aside all steps taken by REPCO Bank Ltd under the said Act of 2002 in respect of the credit facilities accorded to the petitioner or any security that may have been furnished by the petitioner. However, nothing in this order will prevent REPCO Bank from approaching an appropriate forum both in respect of its money claim and in respect of any immovable property that may have been secured in its favour.

5. There will be no order as to costs. Consequently, WMP Nos.8634 and 8635 of 2021 are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To:

The Authorised Officer,
REPCO Bank,
No.8, Thattara Street,
Ariyalur 621 704.

सत्यमेव जयते

W.P.No.8086 of 2021

EV(CO)
CS/29/06/2021

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