

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.Nos.9797 & 9801 of 2020
and W.M.P. Nos.11914 & 11916 of 2020

L&T Infrastructure Development Projects Ltd.

P.O. Box No. 979,

Mount Poonamallee Road

Manapakkam, Chennai

Tamil Nadu - 600 089

2020

... Petitioner in W.P.No.9797 of

L&T Chennai Tada Tollway Ltd.

Registered office - PO Box no. 979,

Mount Poonamallee Road,

Manapakkam, Chennai - 600 089

... Petitioner in W.P. No.9801/2020

Vs.

1.IDBI Bank Ltd.

IDBI Tower,

WTC Complex

Cuffe Parade

Mumbai - 400 005

2.Reserve Bank of India

16, Rajaji Salai,

Fort Glacis

Chennai,

Tamil Nadu 600001

... Respondents 1 and 2 in
both WPs

3.L&T Chennai Tada Tollway Ltd.

Registered office - PO Box no. 979,

Mount Poonamallee Road,

Manapakkam, Chennai - 600 089

... 3rd Respondent
in W.P. No.9797 of 2020

3. L&T Infrastructure Development Projects Ltd.

Registered office - P.O. Box No. 979,

Mount Poonamallee Road

Manapakkam, Chennai

Tamil Nadu - 600 089

... 3rd Respondent in
W.P.No.9801 of 2020

Common Prayer in W.P. Nos.9797 & 9801 of 2020: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus restraining the respondents from initiating any coercive action, including but not limited to the measures specified in the 1st respondent's notice numbered IDBI/NMG/L&T/239 dated 29.6.2020 (received on 17.07.2020), on the basis of the allegation that the petitioner is a wilful defaulter, without affording adequate opportunity to the petitioner to file its representation/objections on or before 01.08.2020 and an opportunity of personal hearing, duly considering the same and passing appropriate orders in the manner known to law.

For Petitioners : Mr.Vishnu Mohan
in both W.Ps

COMMON ORDER

These Writ Petitions have been filed for a mandamus to forbear the respondents from initiating any coercive action against the petitioners, pursuant to the first respondent's notice dated 29.06.2020 on the basis of the allegation that the petitioners are the wilful defaulters.

2. Learned counsel for the petitioners has filed an additional typed set of papers before this Court today enclosing the e-mail dated 25.08.2020 as well as the e-mail dated 11.02.2021 sent by the first respondent-Bank. In the e-mail dated 11.02.2021, the first respondent-Bank has intimated the petitioners that the process for declaration that the petitioners are the wilful defaulters has been closed.

3. The communication received by the petitioners from the first respondent-Bank reads as follows:-

"Yes. Mr.Kapoor, the matter is closed. I understand that the WD process does not envisage a formal communication of closure, but you may treat the matter as closed. Please pursue with NHAI, so that moneys could be recovered and loan amount settled. Please advise me, if anything should be done from the Bank's side in this regard. Look forward to our continuing business relationship. Please drop by, if you are in this part of Mumbai".

4. The petitioners have sought for mandamus in these Writ Petitions based on the notice dated 29.06.2020 issued by the first respondent-Bank cautioning the petitioners that they will be declared as Wilful defaulters. In view of the e-mail dated 11.02.2021 sent by the first respondent-Bank referred to supra,

the apprehension of the petitioners that they will be declared as wilful defaulters is no more applicable.

5. After recording the above communication received by the petitioners from the first respondent-Bank, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The IDBI Bank Ltd.
IDBI Tower,
WTC Complex
Cuffe Parade
Mumbai - 400 005

2.The Reserve Bank of India
16, Rajaji Salai,
Fort Glacis
Chennai.

AKM/10.03.21

/3P-3C/

W.P.Nos.9797 & 9801 of 2020
and

W.M.P. Nos.11914 & 11916 of 2020
23.02.2021

सत्यमेव जयते
WEB COPY