



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.12.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.Nos.12853 & 12871 of 2018

and

W.M.P.Nos.15104, 15127 & 15103 of 2018

Mr.Ramkhumar Narasimhan ...Petitioner in W.P.No.12853/2018

Mrs.Poorani Nagarajan ...Petitioner in W.P.No.12871/2018

Vs.

Indian Bank,
Rep.by the General Manager / Zonal Manager,
Zonal Office,
55, Ethiraj Salai,
Chennai - 600 008. ... Respondents in both WPs.

COMMON PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for records of the respondent with respect to Letter dated 02.04.2018 issued to the petitioners and consequently direct the respondent to refrain from taking any coercive action as against the petitioners.

For Petitioner : Mr.K.R.Arun Shabari

For Respondents: M/s.Jeyesh B.Dolia
for M/s.Aiyer & Dolia
...in both Wps.

COMMON ORDER

These writ petitions have been filed to issue a Writ of Certiorarified Mandamus, to call for records of the respondent with respect to Letter dated 02.04.2018 issued to the petitioners and consequently direct the respondent to refrain from taking any coercive action as against the petitioners.

2. The petitioners are working as Entrepreneurs in the renewable energy sector and they were erstwhile Managing



Directors of a private limited company under the name and style of "Infinitas Energy Solutions Private Limited". According to the petitioners, they are allowed to appear before the Screening Committee. However, the verdict of the Screening Committee has been forwarded to the Review Committee and Review Committee without giving any opportunity to the petitioners passed orders in a one sided manner, only after hearing the respondent. The Order of the Review Committee dated 23.03.2018 was communicated to the respondent and in turn the respondent by virtue of the impugned letter communicated with the petitioners that they are willful defaulters. Aggrieved over the same, the petitioners are before this Court.

3. The learned counsel appearing for the respondent would made a submission that initially the petitioners were given opportunity to appear before the Screening Committee and the petitioners appeared and whatever the defense and representations they wanted to make, they made it and the same were considered by the Screening committee. However, the order was not provided to the petitioners and the same was forwarded to the Review Committee. The Review Committee ultimately confirmed the Screening Committee's Order and based on the Review Committee's Order, the petitioners are considered as willful defaulters. Therefore, he submits that opportunities were provided at the Screening Committee level. However, he admitted the fact that the copy of the Review Committee's order has not been provided to the writ petitioners.

4. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent and perused the materials available on record.

5. On perusal of the impugned letter of the respondent shows that based on the order of the Screening Committee, Review Committee has come to the conclusion that the petitioners are willful defaulters. At the level of Screening Committee, petitioners were given opportunity to represent their case. However, the Screening Committee after hearing the petitioners, passed an order and without any communication to the petitioners the Review Committee has confirmed the order, which is clearly violation of the principles of natural justice.

6. At this juncture, in a similar issue, the Hon'ble First Bench of this Court, held as follows:

"26. After this order is made, it is submitted on behalf of the State Bank that since the view expressed by the Identification Committee at its meeting held on



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December 29, 2018 has already been communicated to the petitioner, the matter can be resumed from such stage and some time may be afforded to the petitioner to make a further representation against such opinion for the Review Committee to consider both the opinion and the petitioner's representation against the same in the light of the dictum in Jah Developers."

7. Therefore, this Court is of the opinion that it would be appropriate to give opportunity to the petitioners and thereafter, Review Committee shall take a decision after hearing the writ petitioners and consider the representations as well. Hence, the order passed by the Review Committee dated 23.03.2018 is set aside and consequently, the impugned letter is also liable to be set aside. While setting aside the impugned letter as well the Review Committee's order dated 23.03.2018, this Court directs the Review Committee to consider the matter afresh after giving due opportunities to the writ petitioners and thereafter pass the order on merits and in accordance with law.

8. Accordingly, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Pns
To

The General Manager / Zonal Manager,
Indian Bank,
Zonal Office,
55, Ethiraj Salai,
Chennai - 600 008.

+2cc to M/s.K.R.Arun Shabari, Advocate Sr.64018, 64121

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