



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.18299 of 2021

K.Rizwan Ahmed

...Petitioner

Vs

The Authorised Officer,
Punjab National Bank
Circle Sastra Centre
Chennai South
Mezannine Floor PNB Towers
R.H.Road Royapettah
Chennai 600014.

...Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondent bank to make an offer for settlement as per their OTS Policy within a stipulated time period as fixed by this Honourable Court considering that the Respondent Bank claim is time barred.

For the Petitioner : Mr.B.Gurumurthy

ORDER

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

The petitioner seeks a mandamus directing the respondent bank to make an offer for a one-time settlement as per the declared policy of the bank.

2. If there is, indeed, a policy in such regard, the respondent bank will do well to adhere thereto, unless there are exceptional conditions that permit the settlement not to be offered. A writ in the nature of mandamus cannot be issued to a bank commanding the bank to settle the dues outstanding from a constituent.



3. In the event the respondent bank does not offer any settlement, the petitioner has to meet up the demand for repayment. At any rate, if the petitioner has a genuine grievance against any measure that may be taken by the bank upon invoking the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the petitioner may approach the appropriate jurisdictional Debts Recovery Tribunal at the appropriate stage with whatever may be the petitioner's grievance.

4. This extraordinary jurisdiction under Article 226 of the Constitution ought not to have been invoked, whether to command the bank to make an OTS offer or for the disputes between the petitioner and the bank to be resolved.

5. W.P.No.18299 of 2021 is disposed of with liberty to the petitioner to approach the jurisdictional DRT at the appropriate stage upon any measure being taken by the respondent bank under Section 13 (4) of the Act of 2002. It is made clear that the merits of the matter have not been gone into.

There will be no order as to costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sra

To:

The Authorised Officer,
Punjab National Bank
Circle Sastra Centre Chennai South
Mezannine Floor PNB Towers
R.H.Road Royapettah
Chennai 600014.

W.P.No.18299 of 2021

RR(CO)
LS(06/09/2021)