

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

W.P.No.20062 of 2020
and WMP.Nos.24754 & 24755 of 2020

M/s.Venus Sizing Mills,
Rep.by its Partner V.S.Balamurugan
No.27F, East Colony,
Komarapalayam,
Erode 638 183 Petitioner

..Vs..

1. Tamil Nadu Industrial Investment Corporation Ltd.,
Rep.by its Managing Director
Anna Salai, Nandhanam, Chennai.
2. The Branch Manager,
Tamil Nadu Industrial Investment Corp.Ltd.,
4/22, Sri Lakshmi Complex, Omalur Main Road,
Swarnapuri, Salem - 636 004. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent dated 28.11.2020 and quash the same and direct the respondents to consider the representation of the petitioner's email dated 08.12.2020 and give adequate opportunity to the petitioner before initiating any adverse action.

For Petitioner : S.Vinod Sathya Lazar

For Respondents: Mr.K.Magesh

ORDER

This writ petition has been filed for the issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent dated 28.11.2020 and quash the same and direct the respondents to consider the representation of the petitioner's email dated 08.12.2020 and give adequate opportunity to the petitioner before initiating any adverse action.

2. This writ petition is filed as against the auction notice dated 28.11.2020 in and by which this petitioner's property were put into auction by the second respondent for the dues with the second respondent. The petitioner has borrowed six loans from the second respondent and settled three loans prior to 2013. By letter dated 28.10.2020 the second respondent has communicated sale of the primary property in S.F.No.286, machineries and the collateral security in T.S.No.13/2 for auction sale.

3. In view of the present Covid-19 situation, the petitioner could not make the payment and in the meantime auction date was also fixed as 31.12.2020. While entertaining this writ petition this Court directed the petitioner to file an undertaking affidavit specifying the amount that the petitioner is ready to pay and the schedule of payment in respect thereof and also granted an interim stay for the auction notice.

4. On compliance to the same, the petitioner has filed an undertaking affidavit with certain terms for repayment.

5. Mr.Magesh, learned counsel for the respondents submitted that in view of the interim order passed by this Court vide order dated 30.12.2020, the proposed auction to be held on 31.12.2020 has been postponed and the petitioner can very well approach the second respondent with his OTS proposal as undertaken by him before this Court by way of an affidavit within a period of 15 days.

6. In view of the subsequent development, this writ petition is disposed of with a direction to the petitioner to approach the second respondent with his OTS proposal within a period of two weeks from the date of receipt of a copy of the order and the second respondent shall consider the same taking into consideration the present pandemic situation. No costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dpq

To

1.The Managing Director,
Tamil Nadu Industrial Investment Corporation Ltd.,
Anna Salai, Nandhanam, Chennai.

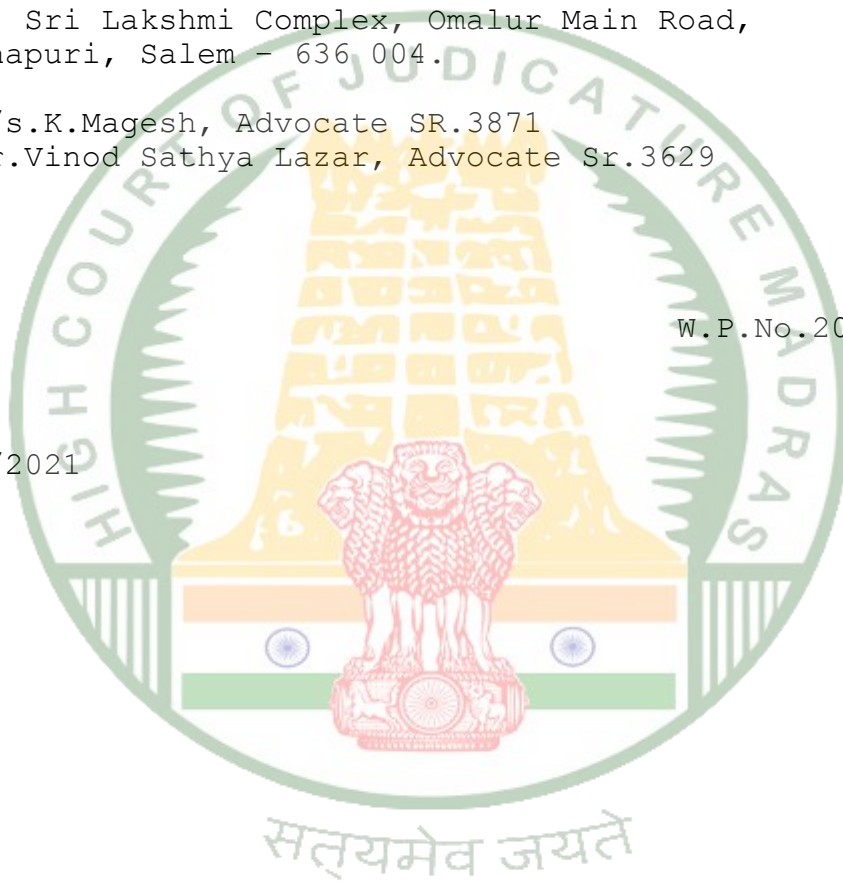
2. The Branch Manager,
Tamil Nadu Industrial Investment Corp.Ltd.,
4/22, Sri Lakshmi Complex, Omalur Main Road,
Swarnapuri, Salem - 636 004.

+1cc to M/s.K.Magesh, Advocate SR.3871

+1cc to Mr.Vinod Sathya Lazar, Advocate Sr.3629

W.P.No.20062 of 2020

rsi[co]
srg 23/02/2021



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