



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2021

CORAM :

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

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

W.P.No.22822 of 2021

MSE Industries,
rep. by its Managing Partner Mahesh Kumar,
57B, Aanai Malai Amman Kovil Street,
L&T Bypass Road, Vellalore,
Coimbatore - 641 111.

.. Petitioner

Vs

1.The Secretary to Government,
Government of Tamil Nadu,
Micro, Small, Medium Enterprises Department,
Secretariat, Fort St. George,
Chennai - 9.

2.The Principal Secretary to Government,
Government of Tamil Nadu,
Industries Department,
Secretariat, Fort St. George,
Chennai - 9.

3.The Commissioner and Director of
Industries and Commerce,
Guindy, Chennai - 32.

4.The Managing Director and Chief Executive Officer,
Canara Bank,
Southern Regional Office-112,
JC Road, Bangalore.

5.The Chief Manager,
Canara Bank,
Asset Recovery and Management Branch,
Regional Office,
T.V.Sami Road,
RS Puram, Coimbatore.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 3 and 4 to defer the 'E-Auction Sale' in furtherance of Sale Notice in Ref No.ARMCEB/E-AUCT/MSE INDUSTRIES/125/2021-22 dated 09.09.2021 on the file of the 5th respondent, till the



respondent 1-3 take a constructive decision of making One Time Settlement based on the recommendation of the Expert Committee for the Revival of MSMEs as per the suggestion of Technical Advisory Team as per G.O.(Ms) No.42 MSME Dept dt. 28.07.2021 and is accordance with Letter dt. 27.09.2021 of the 1st respondent and as per the proposal of the Chairman of Expert Committee for the Revival of MSME dt. 26.08.2021.

For the Petitioner : Ms.T.Aananthi

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 and 2

: Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.
for respondent No.5

ORDER

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

In view of the submission made on behalf of the respondent secured creditor, nothing remains of this petition though the petitioner's right to challenge any further auction notice remains.

2. The relevant auction failed since there were no bidders. As such, the impugned auction notice dated September 9, 2021 has become irrelevant.

3. If any future auction notice is issued, it will be open to the petitioner to take appropriate steps in accordance with law. The petitioner is also reminded that, ordinarily, writ courts would not entertain such a challenge since there is an efficacious alternative remedy in respect of such matters under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

4. W.P.No.22822 of 2021 is disposed of. W.M.P.No.24045 of 2021 is closed.

There will be no order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar



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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Micro, Small, Medium Enterprises Department,
Secretariat, Fort St. George, Chennai - 9.
- 2.The Principal Secretary to Government,
Government of Tamil Nadu,
Industries Department,
Secretariat, Fort St. George, Chennai - 9.
- 3.The Commissioner and Director of Industries and Commerce,
Guindy, Chennai - 32.
- 4.The Managing Director and Chief Executive Officer,
Canara Bank, Southern Regional Office-112,
JC Road, Bangalore.
- 5.The Chief Manager,
Canara Bank, Asset Recovery and Management Branch,
Regional Office, T.V.Sami Road,
RS Puram, Coimbatore.

+1cc to M/s.T.S.Gopalan & Co., Advocate SR.No.57763

W.P.No.22822 of 2021

SG(CO)
SB(12/11/2021)