



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.2359 of 2021

and

W.M.P (MD)No.1960 of 2021

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M/s.Swathikas Jewellers
Rep. by its Managing Partner
Mr.K.Suresh
Having Office at No.6/25-3, Main Road,
Marthandam,
Kanyakumari District.

... Petitioner

Vs.

1.The Secretary

Ministry of Micro Small and Medium Enterprises,
Room No.123, Udyog Bhavan,
Rafi Marg,
New Delhi - 110 011.

2.The Chief General Manager

Department of Banking Operations and Development,
Reserve Bank of India,
12th floor, Central Office Building,
Shahid Bhagat Singh Mrg, Fort,
Mumbai - 400 001.

3.The Chairman cum Managing Director,

Karur Vysya Bank Ltd.,
Central Office,
Karur.

4.The Chief Manager

Karur Vysya Bank Ltd.,
Marthandam Branch
Marthandam,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 and 2 to give necessary instruction to the respondents 3 and 4 to follow the Guidelines brought by the first respondent for Micro, Small and Medium Enterprises (MSME) sector Restructuring of Advances in RBI/2018-19/100, DBR.No.BP.BC.18/ 21.04.048/ 2018-19 on January 01, 2019, RBI/2020-21/09 DoR BP BC.No.01/21.04.048/2020-21 dated 01.07.2020 and Circular No.170/2020-21 dated June, 2020 w.e.f.24.6.2020 for Restructuring the petitioner's vide OCC Loan



Account No.178622300000020, another OCC Loan Account No.176879100000018 and Term Loan Account No.17682800000043 which has been averred in the petitioner's representation, dated 30.12.2020.

For Petitioner : Mr.A.Srinivasan,
for Mr.M.Natarajan
For 4th Respondent : Mr.V.Sukumar
For Respondents 1 to 3 : No Appearance

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.A.Srinivasan, learned counsel appearing for the petitioner and Mr.V.Sukumar, learned Standing Counsel appearing for the fourth respondent bank.

2. The petitioner seeks for a direction upon the respondents 1 and 2 to give necessary instruction to the respondents 3 and 4 to follow the Guidelines brought by the first respondent for Micro, Small and Medium Enterprises (MSME) sector Restructuring of Advances in RBI/2018-19/100, DBR.No.BP.BC.18/ 21.04.048/ 2018-19 on January 01, 2019, RBI/2020-21/09 DoR BP BC.No. 01/21.04.048 / 2020-21 dated 01.07.2020 and Circular No. 170/2020-21 dated June, 2020 w.e.f.24.6.2020 for Restructuring the petitioner's vide OCC Loan Account No.178622300000020, another OCC Loan Account No.176879100000018 and Term Loan Account No.17682800000043 which has been averred in the petitioner's representation, dated 30.12.2020.

3.The learned Standing Counsel appearing for the respondent Bank, on instructions, submitted that already the representation was considered and appropriate reply has been sent on 20.02.2021. That apart the petitioner moved the High Court of Kerala, by filing a writ petition in WP(c)No.4419 of 2021 for permission to remit the loan in instalments.

4.Considering all these facts, the present writ petition cannot be entertained. Hence, the writ petition is dismissed. It is open to the petitioner to work out the remedy in the manner known to law. No Costs. Consequently, connected miscellaneous petition is closed.

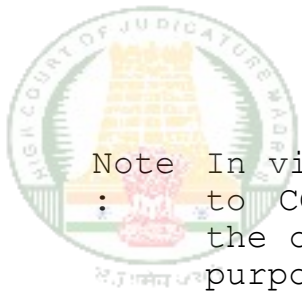
Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

W.P. [MD]No.2359 of 2021
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