



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.08.2021**

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

W.P (MD)NO.6941 OF 2021

and

W.M.P (MD)Nos.5331 and 10731 of 2021

K.Velmurugan

:Petitioner

.vs.

1. The Regional Director,
Reserve Bank of India,
Department of Non-Banking Supervision,
Fort Glacis,
16, Rajaji Salai,
Chennai - 600 001.
2. The Authorized Officer,
Tamil Nadu Industrial Investment Corporation Limited,
No.143, Cape Road,
Nagercoil,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the second respondent herein dated 1.3.2021 and to quash the same insofar as the portion passed against the Petitioner by fixing stipulated period of 15 days from the date of receipt of impugned order to remit the balance bid amount and consequently to direct the second respondent to extend the period of time limit to remit the balance bid amount for the auction sale property of the land measuring 10 cents comprised in R.S.No.43/4, Mathusoothanapuram Village, Agastheeswaram Taluk, Kanyakumari District and to issue sale certificate to the Petitioner.

For Petitioner :Mr.B.Brijesh Kishore
For Respondent No.2 :Mr.G.Murugan



O R D E R

[Order of the Court was made by **M.DURAISWAMY.,J.**]

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the second respondent herein, dated 1.3.2021 and to quash the same insofar as the portion passed against the Petitioner by fixing stipulated period of 15 days from the date of receipt of impugned order to remit the balance bid amount and consequently to direct the second respondent to extend the period of time limit to remit the bid amount for the auction sale property of the land measuring 10 cents comprised in R.S.No.43/4, Mathusoothanapuram Village, Agastheeswaram Taluk, Kanyakumari District.

2.It is the case of the Petitioner that the second respondent/Bank bring the secured asset of the defaulting borrower namely, M/s.Kajalakshmi Pet Bottle Industries through e-auction on 20.1.2021 and that he participated in the said e-auction and he became the successful bidder for a bid amount of Rs.15,55,000/-.The Petitioner has also paid 25% of the bid amount on the date of auction and the second respondent had called upon the Petitioner/auction purchaser to pay the balance sale amount of Rs.11 lakhs within 15 days from the date of receipt of the said order. However, inspite of receiving the impugned order, dated 1.3.2021, the Petitioner had failed to pay the balance sale amount of Rs.11 lakhs. Instead, the Petitioner had filed the above Writ Petition challenging the impugned order, dated 1.3.2021 calling upon to pay the balance price of Rs.11 lakhs.

3.Though the Petitioner has participated in the e-auction held on 20.01.2021, he has not paid the balance sale amount of Rs.11 lakhs till today.

4.This Court, by order, dated 26.3.2021, granted an order of interim stay on condition that the Petitioner paying a sum of Rs.3 lakhs within a period of four weeks time.

5.The learned counsel appearing for the Petitioner submitted that the Petitioner has not complied with the conditional order, dated 26.3.2021 and remit the sum of Rs.3 lakhs so far.

6.At the instance of the auction purchaser, the proceedings had been prolonged for nearly eight months without attaining its finality. When the Petitioner is not in a position to remit the balance sale price, he should not have participated in the e-auction. By participating in the e-auction, he prevented the other purchasers from purchasing the property in the e-auction. The prayer sought for in the Writ Petition is against the provisions of the



Income Tax Rules. Therefore, we do not find any error or irregularity in the impugned order, dated 1.3.2021 passed by the second respondent. The Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

WEB COPY

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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.

To

1. The Regional Director,
Reserve Bank of India,
Department of Non-Banking Supervision,
Fort Glacis,
16, Rajaji Salai,
Chennai - 600 001.
2. The Authorized Officer,
Tamil Nadu Industrial Investment Corporation Limited,
No.143, Cape Road,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.R.SARAVANAN, Advocate (SR-26603[F] dated 18/08/2021)

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and
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17.08.2021

GC (27.08.2021) /3P/4C