



WEB COPY

W.P.(MD) No. 10865 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.(MD) No. 10865 of 2020

and

W.M.P(MD)Nos.9547 to 9549 of 2020

M/s.Marutee Agro Foods,
167/9/10, Mettur, Peramangalam,
Musiri Taluk,
Trichy District,
represented by its Managing Director,
M.Rajalakshmi
Wife of Maheswaran

... Petitioner

Vs

1.The Authorized Officer,
Central Bank of India,
Regional Office,
No.54, First Floor,
West Boulevard Road,
Opp Devar Hall,
Trichy - 620 008.

2.The Branch Manager,
Central Bank Of India,
Srirangam Branch,
Trichy.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari, calling for the entire records in connection with the impugned Sale Notice, dated 30.07.2020 in RO/RECV/TRIC/2019-2020, on the file of the first respondent for the sale of immovable properties and plant and machineries of the Petitioner-Rice Mill through E-auction on 04.09.2020 and to quash the same.

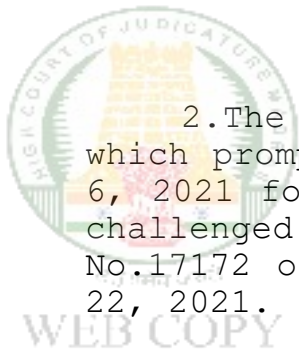
For Petitioner	:	Mr.R.Sankarasubbu
For Respondents	:	Mr.N.Dilip Kumar Standing Counsel

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

When the petition was received an order was made on September 2, 2020 by which the respondent bank was permitted to proceed with the e-auction sale scheduled on September 4, 2020 and directed to produce the result of the auction sale before the Court.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The bank reports that there were no bidders at such auction which prompted the bank in issuing a further notice dated September 6, 2021 for a revised e-auction. The bank says that the petitioner challenged the subsequent e-auction notice by way of W.P.(MD). No.17172 of 2021 which has been dismissed by an order of September 22, 2021.

3.In the light of such subsequent event, nothing survives of this petition. However, the petitioner says that it will be evident from the previous order of September 2, 2020 that considering the special circumstances of the petitioner, the Court appreciated that the one time settlement offered by the bank could not be taken up by making payment within two days.

4.It will be open to the petitioner to appeal to the bank to keep the OTS offer alive for a reasonable time of no more than a month or so from today for the petitioner to avail of the same, with some nominal additional interest. However, the decision in such regard is entirely left to the bank since the Court cannot interfere in such processes of any settlement between the banker and its constituent.

W.P(MD).No.10865 of 2020 is disposed of. There will be no order as to costs. W.M.P(MD)Nos.9547 to 9549 of 2020 are closed.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PM/PJL

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 Authorized Officer,
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No.54, First Floor,
West Boulevard Road,
Opp Devar Hall,
Trichy - 620 008.



2.The Branch Manager,
Central Bank Of India,
Srirangam Branch,
Trichy.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-30541[F] dated 28/09/2021)

W.P. (MD) No.10865 of 2020
28.09.2021

NSN (CO)

RS (06.10.2021) 3P 4C