



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.A. (MD)No.1277 of 2020

M.Kesavapandian

... Appellant

Vs.

1. Reserve Bank of India,
Rep. by its Regional Director,
16, Rajaji Salai, Fort Glacis,
Chennai - 600 001.
2. Banking Ombudsman,
Reserve Bank of India,
16, Rajaji Salai, Fort Glacis,
Chennai - 600 001.
3. The Managing Director &
Chief Executive Officer,
City Union Bank Limited,
Administrative Office,
Kumbakonam, Thanjavur District.
4. The Assistant General Manager,
City Union Bank Ltd.,
Administrative Office,
24B, Narayana Towers,
Gandhi Nagar, Kumbakonam,
Thanjavur District.
5. The Branch Manager,
City Union Bank,
Tiruchengode,
Namakkal District.

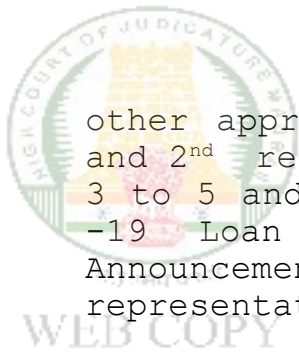
... Respondents

Writ Appeal filed under Clause XV of Letters Patent Act,
against the order dated 30.09.2020 passed in W.P.(MD)No.12480 of
2020.

Prayer in WP(MD). 12480 of 2020 :

Writ Petition is filed under Article 226 of the Constitution
of India, praying this Court to issue a writ of mandamus or any

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other appropriate writ, by or order or direction directing the 1st and 2nd respondents to take necessary action against the respondents 3 to 5 and further direct the respondents 3 to 5 to disburse COVID-19 Loan to the petitioner as per the Finance Ministers Announcements, dated 13.05.2020 based on the petitioners representation dated 31.08.2020.

For Appellant : Mr.M.Muthukrishnan
For Respondents: Mr.K.R.Laxman
Standing Counsel for RBI
Mr.Sivaraman,
Standing Counsel for City Union Bank

JUDGMENT

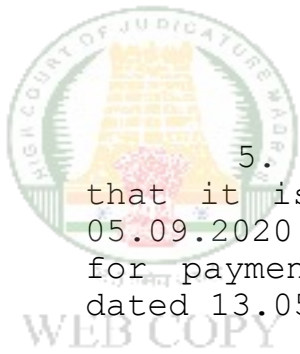
[Order of the Court was made by **M.M. SUNDRESH, J.**]

The appellant is the borrower. He has defaulted in making payments. Asking for higher amount, he sent several communications to the respondents 3 to 5. A reply was also given by the respondents 3 to 5 on 17.03.2020, *inter alia*, alleging that the appellant was responsible from preventing the Bank officials visiting his office, apart from, submitting fraudulent stock statement and made withdrawals from the limit sanctioned.

2. The appellant filed a complaint alleging that illegally, his account has been converted as Non-Performing Assets.

3. Thereafter, the appellant made another representation on 31.08.2020 stating that as per the Hon'ble Finance Minister's announcement dated 13.05.2020, he is entitled for further sanctioning of amount. He has also approached the Banking Ombudsman, Reserve Bank of India, against the respondents 3 to 5. Though styled as representation, it was only a letter of accusation made by the appellant against the respondents 3 to 5. Thereafter, the present writ petition has been filed by the appellant, seeking a Writ of Mandamus to direct the respondents 3 to 5 to sanction further amount as per the Hon'ble Finance Minister's Announcement dated 13.05.2020.

4. Before the learned Single Judge, the appellant was not represented and upon hearing the learned Standing Counsel appearing for the respondents 3 to 5, the writ petition was dismissed, vide order dated 30.09.2020. The learned Single Judge recorded the statements made by the learned Standing Counsel appearing for the respondents 3 to 5 that the request made by the appellant was rejected on 05.09.2020 and the same was communicated to him. Incidentally, the other relief was also declined.



5. The learned counsel appearing for the appellant submitted that it is not correct to state that such a reply was given on 05.09.2020 and received by the appellant. The appellant is entitled for payment as per the Hon'ble Finance Minister's Announcement, dated 13.05.2020.

6. We do not find any merit in this appeal. Admittedly, the appellant did not choose to represent before the Court, when the matter was taken up for hearing. Secondly, the appellant had already approached the Court, apart from, registering a complaint against the respondents 3 to 5. Even according to the appellant, his account has been converted as Non-Performing Assets, as could be seen from the averments contained in the complaint registered. Thus, the relief as sought for by the appellant cannot be granted, particularly, when a statement has been made by the respondents 3 to 5 and taken note of by the Court that the appellant's request was rejected on 05.09.2020 and it was, accordingly, communicated to him.

7. Though we declined a major relief sought for, taking into consideration the submission made by the learned counsel for the appellant, we direct the respondents 3 to 5 to send another copy of the communication dated 05.09.2020 to the appellant, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the appellant can work out his remedy, if he chooses to do so.

8. With the above direction, this Writ Appeal stands closed. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

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WEB COPY

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sj (CO)
TR(07.01.2021) 4P 6C