



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.22750 of 2021

and W.M.P. (MD) No.19238 of 2021

WEB COPY

1.M/s.VI Care Systems,
Rep. by its Proprietor,
Mrs.G.Navapavithra,
D/o.M.Ganesan, W/o.D.Vikram,
Having Office at
No.19, Adhithya Garden,
Sri Ram Avenue,
Vadavalli, Coimbatore - 641 041.
And residing at:
No.4A, Alexandria Road, Cantonment,
Tiruchirapalli - 620 001.

2.M/s.Gajapriya Hotel Private Limited,
Rep. by its Managing Director,
Mrs.G.Navapavithra,
D/o.M.Ganesan, W/o.D.Vikram,
Having Office at
No.5 & 6, Royal Road, Cantonment,
Tiruchirapalli - 620 001,
And residing at:
No.4A, Alexandria Road, Cantonment,
Tiruchirapalli - 620 001.

... Petitioners

Vs.

Canara Bank,
Rep. By its Authorised Officer / Chief Manager,
Trichy Railway Junction Branch,
1st Floor, City Towers,
No.1, Royal Road,
Cantonment,
Tiruchirapalli - 620 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for all the relevant records pertaining to the impugned E-auction Sale Notice dated : 29.11.2021 in Reference No.SARF/TRJ-VC/S/2021-22, fixing the date of sale as 30.12.2021 and quash the same and to direct the respondent to consider the petitioners case for extending relief under Emergency Credit Line



Guarantee Scheme (ECLGS) of the respondent Bank.

For Petitioners : Mr.S.Parthasarathy,
Senior Counsel,
for M/s.J.Sanjey Vignesh
For Respondent : Mr.Pethu Rajesh
Standing Counsel

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.)

The Writ Petition is directed against the sale notice, dated 28.07.2021, issued under Section 13(4) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 read with Rules 8 & 9 of the Security Interest (Enforcement) Rules, 2002, wherein the sale has been fixed on 30.12.2021.

2.Heard Mr.S.Parthasarathy, learned Senior Counsel appearing for the petitioners and Mr.Pethu Rajesh, learned Standing Counsel, who accepts notice on behalf of the respondent.

3.By consent of both sides, this Writ Petition itself is taken up for final disposal at the time of admission.

4.Against the Sale Notice, S.A.No.601 of 2021 has been filed by the petitioners before the Debts Recovery Tribunal, Madurai. As there is no Presiding Officer in the Debts Recovery Tribunal, Madurai, the Writ Petition is filed before this Court. According to the petitioners/borrowers, the outstanding amount is Rs.9.26 Crores (approximately). The matters pertaining to Debts Recovery Tribunal, Madurai, are being entertained by the Debts Recovery Tribunal, Coimbatore on Fridays of every week.

5.The learned Standing Counsel, who accepted notice on behalf of the respondent, stated that S.A.No.601 of 2021 is also listed on 24.12.2021 before the Debts Recovery Tribunal, Coimbatore. In such an event, it is open to the petitioners to appear before the Debts Recovery Tribunal, Coimbatore and argue all the points available to them. In the event, S.A.No.601 of 2021 is not taken on 24.12.2021, the petitioners would deposit Rs.1 Crore to the Credit of S.A.No.601 of 2021, on the file of the Debts Recovery Tribunal, Madurai, on or before 29.12.2021 as the sale is fixed on 30.12.2021. If the amount is deposited on or before 29.12.2021, the sale fixed on 30.12.2021 may be postponed and the petitioners shall take appropriate orders from the Debts Recovery Tribunal. In the event of default by the petitioners in depositing the said amount, it is open to the Bank to continue with the sale.



6.The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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 Presiding Officer,
Debts Recovery Tribunal, Madurai.

2.The Presiding Officer,
Debts Recovery Tribunal, Coimbatore.

3.The Authorised Officer / Chief Manager,
Canara Bank,
Trichy Railway Junction Branch,
1st Floor, City Towers,
No.1, Royal Road,
Cantonment,
Tiruchirapalli - 620 001.

+1 CC to M/s.J.SANJAI VIGNESH, Advocate (SR-40309[F] dated 23/12/2021)

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-40019[F] dated 22/12/2021)

**W.P(MD)No.22750 of 2021
22.12.2021**

NSN (CO)

SB(28.12.2021) 3P 6C