IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.02.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Appeal No.271 of 2022

Pandian Extractions (P) Ltd.,
Rep. by its Managing Director
Mr.P.Ramani Mohan @ P.R.Mohan,
48, Karnan Street, Mannapuram,
Virudhunagar District, Tamil Nadu
Pincode-626 110.

..Appellant/petitioner

Vs.

1.Ministry of Finance,
Rep. by its Secretary,
Room No.134, North Block,
New Delhi-110 001.

2.Industrial Investment Bank of India Ltd.,
Rep. by its Chief General Manager,
19, Nethaji Subash Road,
Kolkata-700 001.

3.Industrial Investment Bank of India Ltd.,
Rep. by the Chief General Manager,
Southern Zonal Office, "The Nest",
2-A-19/1, Mc.Nicholas Road, 3rd Lane,
Chetpet, Chennai-600 031.

..Respondents/respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 20.12.2021 passed by the learned Single Judge in W.P.No.12023 of 2011 on the file of this Court.

Prayer in W.P.No.12023 of 2011: Writ Petition filed under Article 226 of the Constitution of india, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in letter IIBI:CO:439:11 dated 7/3/2011 and quash the same and direct the respondents to accept the one time settlement for sum of Rs.14 lakhs and release all the documents from the respondents Bank to the petitioner.

For appellant : Mr.Manoj Menon for M/s.Menon

For respondents : Mr.R.Shankara Narayanan, Addl. Solicitor General assisted by Mr.Shivakumar for M/s.Shivakumar & Suresh for R-1

JUDGMENT

(The Judgment of the Court was delivered by The Honourable Chief Justice)

After hearing the appeal at length, not only with reference to the order under challenge, but also the order passed by this Court on 20.12.2021 in W.P.No.12023 of 2011, calling for explanation from the side opposite for acceptance of 'one time settlement' (for short, OTS) in a sum of Rs.14 lakhs, it is submitted that the appellant-Company would take the remedy before the Debts Recovery Tribunal (for short, DRT) concerned. The only prayer is to make it clear that any finding or observation recorded by the learned Single Judge should not come in the way to pursue their remedy before the DRT.

2. The learned Additional Solicitor General appearing for the first respondent has given the reasons for acceptance of the OTS by the Bank, but finding it not to be justified, it was not approved by the competent authority and the Government of India.

3. We do not want to make any comment on it, because the appellant-Company has to work out their remedy only before the DRT. Accordingly, this Writ Appeal is disposed of, without causing interference in the impugned order passed by the learned Single Judge, but with the clarity that any finding or observation made therein, would not come in the way of the appellant-Company to pursue their remedy before the DRT. With the liberty to the appellant to approach the DRT concerned, this appeal is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Ministry of Finance,
Room No.134, North Block,
New Delhi-110 001.

2.The Chief General Manager,
Industrial Investment Bank of India Ltd.,
19, Nethaji Subash Road,
Kolkata-700 001.

3.The Chief General Manager,
Industrial Investment Bank of India Ltd.,
Southern Zonal Office, "The Nest",
2-A-19/1, Mc.Nicholas Road, 3rd Lane,
Chetpet, Chennai-600 031.

+1cc to M/s.Shivakumar & Suresh, Advocate SR. No.12189

Writ Appeal No.271 of 2022

NMI (CO)
PR (01/03/2022)