



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.15043 of 2015

&

M.P.No.1 of 2015

M/s.M.M.Industries
Rep. by its Managing Partner
Mr.R.Munuswamy,
S.No.230/2 & 3,
Vanapadi Road,
Sipcot Industrial Complex,
Ranipet - 632 403,
Vellore District.

... Petitioner

Vs.

1. The Assistant General Manager,
State Bank of India,
RASMECCC & SARC,
No.97, 7th East Main Road,
Gandhi Nagar, Vellore-6.

2. The Branch Manager,
State Bank of India,
Wallajha Branch,
Vellore District.

... Respondents

Prayer : Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus , directing the respondent to consider the petitioners representation dated 16.5.2015 and thereby direct the respondent to consider the petitioners one time settlement proposal for the arrears of installment loan amount in Account No.32311757325 granted by the respondent bank and till such time not to take any coercive steps against the petitioners company and pass suitable orders in accordance with law.

For Petitioner : Mr.B.Sundara Pandiyan

For Respondents : Mr.R.Vigneshwaran [R1 & R2]

O R D E R

The relief sought for the in the present writ petition is to direct the respondent to consider the representation submitted by the petitioner on 16.05.2015 and also to consider the one time settlement proposal submitted by the petitioner.



2. The petitioner is a partnership firm namely M/s M. M. Industries. The petitioner availed the Machinery Loan from the 2nd respondent/State Bank of India. The grievances of the writ petitioner is that they have submitted a representation for one time settlement regarding the outstanding dues and the said representation was not considered by the 2nd respondent. Thus, the petitioner is constrained to move the present writ petition.

3. The terms and conditions of loan is a contract, which cannot be adjudicated in a writ proceeding under Article 226 of the Constitution of India. Acceptance of one time settlement is based on the decision to be taken by the competent authorities of the Bank and the High Court cannot direct/compel the authorities to accept one time settlement or otherwise, which must be done based on the terms and conditions and as per the policies of the State Bank of India.

4. This being the scope of the relief sought for. The petitioner is at liberty to approach the competent authority of the Bank for redressal of his grievances. However, the relief as such sought for cannot be granted. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

shr/ska

To

1. The Assistant General Manager,
State Bank of India,
RASMECCC & SARC,
No.97, 7th East Main Road,
Gandhi Nagar, Vellore-6.
2. The Branch Manager,
State Bank of India,
Wallajha Branch,
Vellore District.

+1cc to Mr.R.Vigneshwaran, Advocate, S.R.No.5311

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