



WEB COPY



W.P.No.19718 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.6845 of 2017

&

M.P.No.1of 2009

Subhiksha Trading Services Ltd
Habib Complex, 2nd floor
No.5 Durgabai Deshmuk road
R.A.Puram
Chennai-600 028
Rep by its Company Secretary
M.Rathinakumar

... Petitioner

Vs.

1. Kotak Mahindra Bank Ltd
7th floor, Dani Corporate Bank
No.158, C.S.T.Road
Kalina, Santacruz (E)
Mumbai-400 098

2.Reserve Bank of India
Fort Glacis
Rajaji Salai
Chennai-600 001

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus forbearing the first respondent from



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proceeding with the proceedings against the petitioner on 25th September 2009 or on any subsequent date, to declare the petitioner as a willful defaulter as the proceedings are vitiated by fraud and are not held in accordance with the norms prescribed by the second respondent viz., the Reserve Bank of India.

For Petitioner : Mr.Prakash Goklaney

For Respondents : Mr.H.Karthik Seshadri
for
M/s. Iyer and Thomas for R1

Mr.C.Mohan
for
M/s. King & Patridge for R2

ORDER

Writ petition is filed seeking to forbear the first respondent from proceeding with the proceedings against the petitioner on 25th September 2009 or on any subsequent date, to declare the petitioner as a willful defaulter as the proceedings are vitiated by fraud and are not held in accordance with the norms prescribed by the second respondent viz., the Reserve Bank of India.



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2. Learned counsel appearing for the respondents would submit that already proceedings has been initiated against the petitioner and recovery certificate also issued against the petitioner and the petitioner company is also liquidated, which is not been disputed by the learned counsel appearing for the petitioner.

3. In such view of the matter, this Writ Petition is dismissed as infructuous. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.12.2022

kpr

To
Reserve Bank of India
Fort Glacis
Rajaji Salai
Chennai-600 001



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N. SATHISH KUMAR, J.

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