



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.12656 of 2022

and

WMP.No.12108 of 2022

A.K.S Cold Storage Limited
Rep by its Managing Director, AKS Saravanan
S.F.No.956, AKS Farm,
Bathrakaliamman Koil Road
Thekkampatti Village
Mettupalayam - 641 305
Coimbatore District.

.. Petitioner

Vs

1 The Zonal officer
Rural Banking Department
Indian Bank, No.31, 2nd Floor
Variety Hall Road
Coimbatore - 641 001.

2 The Branch Manager
Indian Bank
Mettupalayam Branch
No.212 Ooty Main Road
Mettupalayam
Coimbatore District - 641 801.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of declaration to declare that the classification of the Petitioner's loan account in Acc.Nos.966750488-MTL, 6846146343- WCTL, 6872394929-WCTL and 6872400004-FITL in the 2nd Respondent Bank as a Non- Performing Asset is per se invalid, illegal, null and void and further to declare the recovery proceedings initiated by the respondents against the Petitioner company under the Sarfaesi Act pursuant to the invalid NPA classification is illegal, null and void, and consequently direct the 2nd respondent to restore the status of the petitioner companies term loan account as it stood prior to the classification of NPA.



WEB COPY

For the Petitioner : Mr.M.Roshan Atiq

For the Respondents : Mr.M.Somasundar

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed to declare that the classification of the petitioner's loan accounts as a Non-Performing Asset is illegal.

2. Issues have been raised on sending notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short, "the Act of 2002"]. But nothing on record to indicate that the petitioner had responded to the said notice to raise all the issues as such are available. It is, more specifically, when the provision exists for it under Section 13(3A) of the said Act. Thus, we are not inclined to cause interference in the notice, however, a period of 60 days is said to exist. Thus, the petitioner would be at liberty to take remedy of sending a reply or objection by invoking Section 13(3A) of the Act of 2002 and then to take a remedy further, if the objection or reply is not appropriately considered by the bank.

3. The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.No.12108 of 2022 is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

bbr

To:

- 1 The Zonal officer
Rural Banking Department
Indian Bank, No.31, 2nd Floor
Variety Hall Road
Coimbatore - 641 001.



2

The Branch Manager
Indian Bank
Mettupalayam Branch
No.212 Ooty Main Road
Mettupalayam
Coimbatore District - 641 801.

+1cc to Mr.N.Somasundar, Advocate SR. No. 39731
+1cc to Government Pleader SR. No. 39828

W.P.No.12656 of 2022

SMI (CO)
PR (01/07/2022)