



W.P.No.26495 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.26495 of 2022

Vidhya Ramakrishnan

..

Petitioner

Vs.

1. UCO Bank
Saidapet Branch
No.19, Velachery Main Road
Little Mount, Saidapet
Chennai 600 015.
2. Reserve Bank of India
Fort St. Glacis, 6, Rajaji Road
Fort St. George, Chennai 600 001.
3. Ministry of Micro, Small and Medium Enterprises
Udhyog Bhavan
Rafi Marg New Delhi
Cannaught Lane, Barakhamba
New Delhi 110 001.
4. Micro, Small and Medium Enterprises Department
Commissionerate of Industries and Commerce
SIDCO Corporate Office Building
Thiru.Vi.Ka Industrial Estate
Guindy, Chennai 600 032.
5. The Recovery Officer II



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Debt Recovery Tribunal II
6th Floor, Additional Office Building
Shastri Bhawan, Haddows Road
Chennai 600 006.

6. V.R.Nachiappan

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records of the fifth respondent with respect to the order of confirmation of sale of the sixth respondent dated 16.07.2022 in DRC No.276/2017 and quash the same and consequently, direct the bank to grant an One Time Settlement to the petitioner as per the OTS Scheme of the bank.

For the Petitioner : Mrs.Ananda Gomathy
Murugesan

For the Respondents : Mr.P.S.Ganesh
for Respondent-1

Mr.P.Muthukumar
State Government Pleader
for Respondent-4

Mr.E.J.Ayyappan
for Respondent-6

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed challenging the order of confirmation of sale in favour of the sixth respondent dated



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16.07.2022 in DRC No.276/2017 and for a direction to the respondent Bank to grant One Time Settlement to the petitioner as per the OTS Scheme of the Bank.

2. According to the petitioner, she borrowed a sum of Rs.1.50 Crore in the year 2013. However, due to various reasons beyond the petitioner's control, the instalments could not be paid regularly, resulting in the declaration of petitioner's account as NPA and thereafter, the property was brought for sale. The petitioner offered one time settlement of Rs.1.75 crore and also paid a sum of Rs.1.00 crore. Consequently, the Recovery Officer cancelled the sale conducted on 09.02.2022, by order dated 22.02.2022, with a direction to the office to return the amounts deposited by the successful bidders to the respective bidders as per the bid forms. The Bank was also directed to pay the deposit period interest at the rate of 6% per annum to the successive bidders on or before 01.03.2022. Thereafter, when the petitioner was ready to pay the balance amount, the Bank did not come forward to receive it and hence, the petitioner was forced to come up with this writ petition.



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3. We are unable to find any justification in the submissions of the petitioner, as, when the Recovery Officer, by order dated 22.02.2022, has accepted the payment of Rs.1.00 crore made by the petitioner and cancelled the sale conducted on 09.02.2022, it goes without saying that the Recovery Officer has considered the case of the petitioner. However, the petitioner, for the reasons best known to her, did not come forward to pay the balance amount though more than eight months have lapsed. Hence, the Recovery Officer has reaffirmed the sale in favour of the sixth respondent. The petitioner ought to have approached the DRAT, instead of filing this writ petition.

4. In view of the above, this Court is not inclined to interfere with the impugned order of confirmation of sale. Accordingly, the writ petition fails and is dismissed. There will be no order as to costs. Consequently, WMP No.25559 of 2022 is also dismissed.

(T.R., ACJ.) (D.K.K., J.)
10.10.2022

Index : Yes/No
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T.RAJA, ACJ,
and
D.KRISHNAKUMAR,J

(kpl)

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