



W.P.No.26580 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.26580 of 2022

M/s. Craft Knit Garments
A partnership firm rep. by its
Partner K.Rangasamy
s.F.No.4/684, Nochipalayam Road
Veerapandi Post
Palladam Road
Tiruppur District.

.. Petitioner

Vs.

1. The Small Industries Development
Bank of India
rep. by its Deputy General Manager
Chennai Regional Office
Overseas Towers
756-L, Anna Salai
Chennai 600 002.

2. The Small Industries Development
Bank of India
rep. by its Authorised Officer
KSN Complex First Floor
J.G. Nagar, 60 Feet Road
Tiruppur 641 602.

.. Respondents



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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records relating to the proceedings in Ref: No.2023APR01/L532263340 dated 01.04.2022 and Ref: No.2023JUL18/L532270902 dated 18.07.2022 issued by the first respondent, quash the same and consequently, direct the respondents to extend the benefit of OTS Scheme in Ref: No.2022JAN06/L532254505 dated 06.01.2022 to enable the petitioner firm to pay the balance OTS amount of Rs.2,78,64,256/-.

For the Petitioner : Mr.N.Manokaran

ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petition has been filed challenging the order cancelling the OTS offer dated 01.04.2022.

2. Mr.N.Manokaran, learned counsel appearing for the petitioner submitted that in view of demonetisation and Covid-19 pandemic, coupled with financial crunch, the petitioner could not pay the OTS amount.

3. The notice dated 01.04.2022 would make it clear that OTS sanction was cancelled since the petitioner has failed to pay the OTS amount and the petitioner was requested to clear the overdues



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immediately. As the petitioner had not paid the outstanding amount and sought time to make payment, the respondent Bank, in its letter dated 18.07.2022, directed the petitioner to pay a sum of Rs.7,66,35,042/-. According to the petitioner, the delay in making payment has occurred in seeking extension of time.

4. The petitioner has already approached the Debts Recovery Tribunal, Coimbatore by filing S.A.No.321 of 2017. When the said appeal is pending, the petitioner ought to have approached only the DRT and not this Court, as two parallel proceedings cannot be maintained.

5. In view of the above, this writ petition is dismissed with a direction to the Debts Recovery Tribunal, Coimbatore to proceed with the matter without being influenced by the dismissal of this writ petition. Consequently, WMP No.25636 of 2022 is also dismissed.

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

Index: Yes/No
kpl

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To

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Small Industries Development Bank of India
Chennai Regional Office
Overseas Towers
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T.RAJA, ACJ,
and
D.KRISHNAKUMAR,J

(kpl)

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