



W.P.No.32590 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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- 1.M/s.Al Ameen International Limited,
rep. by its Managing Director, Abdullah Sarwar,
"Milano Orchard"
No.165/2A, 166/2, GST Main Road,
Urapakkam, Chennai-603 202.
- 2.Abdulla Sarwar,
Director, Al Ameen International Limited,
"Milano Orchard"
No.165/2A, 166/2, GST Main Road,
Urapakkam, Chennai-603 202.
- 3.Arifa Abdullah,
M/s.Al Ameen International Limited,
"Milano Orchard"
No.165/2A, 166/2, GST Main Road,
Urapakkam, Chennai-603 202.
- 4.Sana Abdullah,
M/s.Al Ameen International Limited,
"Milano Orchard"
No.165/2A, 166/2, GST Main Road,
Urapakkam, Chennai-603 202.



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5.Zoha Abdullah,
M/s.Al Ameen International Limited,
"Milano Orchard"
No.165/2A, 166/2, GST Main Road,
Urapakkam, Chennai-603 202.

.. Petitioners

Vs

1.State Bank of India,
through Assistant General Manager,
Stressed Assets Management Branch,
Red Cross Buildings,
32, Red Cross Road,
Egmore, Chennai-600 008.

2.The Reserve Bank of India,
Fort Glacier,
Chennai-600 009.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to place the internal reports obtained in the internal meeting for certifying the wrongful and illegal classification of the loan accounts of the petitioners as the NPA and consequently quash all further proceedings initiated based upon the above said illegal classification as per the SARFAESI Act and also under the RDB Act, apart from directing the second respondent to initiate appropriate legal action against the first respondent's bank and its erring officials.

For the Petitioners : Mr.V.Jayachandran
for M/s.A.Parveen

For the Respondents : Mr.M.L.Ganesh
for respondent No.1



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ORDER

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

W.M.P.No.32000 of 2022 filed to permit the petitioners to file a single writ petition is allowed, subject to payment of separate sets of court-fee by the petitioners within a period of two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2. The petitioners have filed this writ petition seeking issuance of a writ of mandamus directing the first respondent to place the internal reports obtained in the internal meeting for certifying the wrongful and illegal classification of the loan accounts of the petitioners as Non-Performing Asset (NPA) and to consequently quash all further proceedings initiated based upon the above said illegal classification as per the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and also under the RDB Act, apart from directing the second respondent to initiate appropriate legal action against the first respondent bank



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and its erring officials.
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3. The sole grievance of the petitioners is that the reason and justification for classification of the accounts of the petitioners as Non-Performing Assets (NPA) has not been disclosed to them despite approaching the first respondent/bank.

4. Mr.M.L.Ganesh, learned counsel appearing on behalf of the first respondent/bank, submitted that the petitioners already approached the Debts Recovery Tribunal by filing an application seeking a direction to the first respondent/bank to furnish the reason and justification to classify the petitioners accounts as Non-Performing Assets and, therefore, seeking similar relief the petitioners cannot be permitted to pursue parallel proceedings before different fora.

5. Since the application filed by the petitioners seeking identical relief is pending consideration before the Debts Recovery Tribunal, we do not find any reason to entertain the writ petition.



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Accordingly, the writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.32001 of 2022 is closed.

(T.R., ACJ.) (D.B.C., J.)
05.12.2022

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sasi

To:

- 1.The Assistant General Manager,
State Bank of India,
Stressed Assets Management Branch,
Red Cross Buildings,
32, Red Cross Road,
Egmore, Chennai-600 008.
- 2.The Reserve Bank of India,
Fort Glacier,
Chennai-600 009.



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T.RAJA, ACJ.
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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