



W.P(MD) No.2388 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.2388 of 2021

M/s.Bharath Motors,
Rep. by Mr.Prakash Kumar.G.

... Petitioner

-VS-

- 1.The Secretary,
Ministry of Micro, Small and Medium Enterprises,
Room No.123, Udyog Bhavan,
Rafi Marg, New Delhi – 110 011.
- 2.The Chief General manager,
Department of Banking Operations and Development,
Reserve Bank of India,
12th Floor, Central Office Building,
Shahid Bhagat Singh Mrg, Fort,
Mumbai – 400 001.
- 3.The Authorised Officer / Chief Manager,
Indian Bank,
No.165, WCC Road,
Nagercoil – 629 001.
- 4.The Manager / Secured Creditor,
Indian Bank,
Marthandam Branch,
Marthandam, Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,



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to issue a Writ of Mandamus, directing the respondents 1 and 2 to give necessary instruction to the respondents 3 and 4 to follow the guidelines (MSME) sector – Restructuring of Advances in RBI/2018-19/100, DBR.No.BP.BC.18/21.04.048/2018-19 on January 01, 2019, RBI/2020-21/09 DoR BP BC.No.01/21.04.048/2020-21 dated 01.07.2020 and Circular No.170/2020-21 dated June, 2020 w.e.f. 24.06.2020 for Restructuring the petitioner's OCC & other loan Account No.945254349, 6772204366, 6574665594, 6166868408, 6772204683, 6076299350, 6875157769 and 6477110632 which has been averred in the petitioner's representation dated 05.01.2021 within a time frame as fixed by the Hon'ble Court.

For Petitioner : No appearance

For Respondents : Mr.S.Jeyasingh for R1
Senior Panel Counsel
for R1
Mr.R.Pandivel for R3 & R4
No appearance for R2

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The petitioner has come forward with this writ petition praying to issue a writ of Mandamus, directing the respondents 1 and 2 to give necessary instructions to the respondents 3 and 4, for Restructuring the petitioner's OCC & other loan Account Nos.945254349, 6772204366,



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6574665594, 6166868408, 6772204683, 6076299350, 6875157769 and 6477110632, as averred in the petitioner's representation dated 05.01.2021.

2. Today, when the matter was taken up for hearing, there is no representation for the writ petitioner.

3. It is the case of the petitioner that he approached the respondents 3 and 4 by his representation dated 05.01.2021, for restructuring the petitioner's aforesaid OCC and other loan accounts by following guidelines as per Circular dated 01.01.2019. The said representation has not been considered so far.

4. The learned counsel for the respondents 3 and 4 on the other hand submitted that pursuant to the receipt of such representation, the bank sent a reply dated 06.02.2021 to the petitioner, by restructuring the loan account and produced the said copy of the letter, which reads as follows:-

“As per guidelines, the accounts already restructured as per RBI circular dated 01.01.2019 shall be



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ineligible for restructuring under the new scheme.

Moreover, as per Bank guidelines, the restructuring/revival request is to be taken up with the sanctioning authority through the Home Branch.

We once again advise you to comply with out Demand Notice dated 17.09.2020 so as to avoid its further consequences.

This reply is addressed to you without prejudice to any other remedy available to the Bank.”

5. In view of the above, nothing survives in this writ petition for further adjudication and accordingly, this writ petition stands closed. No costs.

[R.M.D., J.] [J.S.N.P., J.]
21.09.2022

Index : Yes / No
Internet : Yes / No
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To:

The Secretary,
Ministry of Micro, Small and Medium Enterprises,
Room No.123, Udyog Bhavan,
Rafi Marg, New Delhi – 110 011.



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