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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

CORAM :

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.10249 of 2022
and
W.M.P(MD) Nos.7275 & 7279 of 2022

G.Lal Jan ...Petitioner

Vs.

The Authorized Officer,
Union Bank of India,
Tuticorin Branch,
Velu Buildings, No.226,
WGC Road,
Tuticorin – 628 002. ...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the e-auction notice issued by the respondent dated 12.05.2022 and quash the same.

For Petitioner : Mr.R.Jegadeeswaran

For Respondent : Mr.N.Dilip Kumar
Standing Counsel

O R D E R

(Order of the Court was made by ABDUL QUDDHOSE, J.)

This writ petition has been filed challenging the impugned e-auction sale notice issued by the respondent dated 12.05.2022. The petitioner has raised several grounds for challenging the impugned e-auction sale notice.

2. Learned counsel for the petitioner however, on instructions, would now submit that the petitioner is willing to pay a sum of Rs.17.5 Lakhs to the respondent bank on or before the date of sale, as per the impugned e-auction sale notice, which falls on 17.06.2022. He would further submit that insofar as the balance

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outstanding amount is concerned, the petitioner shall pay the same within a period of three months thereafter.

3. According to the learned counsel for the respondent bank, a sum of Rs.41,69,369.47/- (Rupees Forty One Lakhs Sixty Nine Thousand Three Hundred and Sixty Nine and Paise Forty Seven Only) as on 10.05.2022 is due and payable by the petitioner to the respondent bank.

4. The petitioner has expressed difficulty in making the entire payment on account of the non-receipt of the money for the work done by the petitioner to Tuticorin Thermal Power Station where the petitioner is a contractor. In an earlier order passed by the Debts Recovery Tribunal on 09.11.2021, the Debts Recovery Tribunal had directed the petitioner to pay a sum of Rs.12.5 Lakhs on or before 07.12.2021 and the second installment of Rs.12.5 Lakhs was directed to be paid on or before 04.01.2022. The petitioner has paid the first installment but committed default in payment of the second installment. Since the petitioner did not pay the money, the impugned e-auction sale notice has been issued by the respondent bank.

5. Learned counsel for the respondent bank has also not raised serious objection for the proposal submitted by the petitioner provided the petitioner complies with his undertaking as given before this Court today.

6. After giving due consideration to the submissions made by the respective counsel and after giving due consideration to the affidavit filed in support of the writ petition and the documents filed along with the same, this writ petition is disposed of by passing the following orders:-

a) The petitioner shall pay a sum of Rs.17.5 Lakhs to the respondent bank on or before 16.06.2022.

b) The petitioner thereafter shall pay the balance outstanding amount as demanded by the respondent bank within a period of three months from this date i.e., on or before 17.09.2022.

c) On payment of the first installment of Rs.17.5 Lakhs on or before 16.06.2022, the impugned e-auction notice shall stand withdrawn.

d) In the event of default in payment of any of the installments as stated supra on or before the stipulated dates, the respondent bank is at liberty to proceed with the sale of the mortgaged property.

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e) By consent of the petitioner, it is made clear that the petitioner shall not seek any further extension of time for making the payment.

7. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Vacation Officer

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Pkn

The Authorized Officer,
Union Bank of India,
Tuticorin Branch,
Velu Buildings, No.226,
WGC Road,
Tuticorin - 628 002.

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-23973[F] dated 20/05/2022)

+1 CC to M/s.R.JEGADEESWARAN,Advocate(SR-23997[F] dated 23/05/2022)

ORDER MADE IN
W.P(MD)No.10249 of 2022
19.05.2022

PKP/26.05.2022/3P/4C

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