



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 12.08.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.10062 of 2019**

**and**

**WMP(MD)Nos.7831, 7832, 7833 & 7956 of 2019**

Gherkins Agro Exports (Indiana) Pvt.Ltd,  
through its Chairman, Dindigul

... Petitioner

**v.**

1.The Indian Overseas Bank,  
Zonal Office, through its Zonal Manager,  
11/952, Crosscut Road, Gandhipuram,  
Coimbatore – 12.

2.The Indian Overseas Bank,  
Regional office, Madurai,  
through its Regional Manager,  
Plot No.40, 80 feet road,  
Anna nagar, Madurai.

3.The Chief Manager,  
Indian Overaseas Bank,  
Dindigul Main Branch,  
R.S.Road, Dindigul.

... Respondents



**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the proceedings of the 3<sup>rd</sup> respondent dated 10.01.2019 and 05.02.2019 and quash the same as arbitrary, illegal and without jurisdiction and consequently direct the respondents to consider the restructuring/revival proposal of the petitioner in accordance with the 'Framework For Revival And Rehabilitation of Micro, Small and Medium Enterprises (MSME's) of the Reserve Bank of India dated 17.03.2016 and also in the light of Master Direction-Reserve Bank of India (Relief Measures by Banks in Areas affected by Natural Calamities) Directions 2015 and as amended time to time and consequently restructure the loan facilities also in accordance with the other applicable guidelines of the RBI and the framework/policy relating to MSME's of the respondents bank.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.N.Dilipkumar

### **ORDER**

Heard the learned counsel on either side.

2.The petitioner had availed loan from the respondent bank.

The petitioner submitted an application for re-structuring the loan. The third respondent by the impugned communication informed the petitioner that they are not eligible for such re-structuring.

Questioning the same, this writ petition came to be filed.



3.It is beyond dispute that when a request of this nature is placed before the bank, it has to be considered by a properly constituted committee. In this case, such a committee does not appear to have taken a decision. Therefore, on this ground, the impugned proceedings of the third respondent are quashed. The matter is remitted to the file of the second respondent. The second respondent shall form an appropriate committee as per the existing guidelines. Thereafter, a decision will be taken on the petitioner's request on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order. This writ petition is allowed. No costs. Connected miscellaneous petitions are closed.

**12.08.2022**

Index : Yes / No  
Internet : Yes/ No  
skm

**To**

- 1.The Registrar, Anna University, Chennai.
- 2.The District Collector, Madurai.



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**G.R.SWAMINATHAN, J.**

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