



W.P(MD)No.14959 of 2020.P(MD)No.14959 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.12.2022

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.14959 of 2020

and

WMP(MD)No.12591 of 2020

S.R.Ratheesh
Proprietor,
Adhithya Bharat Gas Petroleum,
(LPG Distributor of Bharat Petroleum Corporation Ltd)
22-76 D1, Main Road,
Mettukadai, Thuckalay,
Kanyakumari District-629 175.
Petitioner

...

VS.

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

2. Nodal Officer/Ombudsman,
Non Banking Financial Institution,
Reserve Bank of India,
Fort Glacis, Chennai-600 001.

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3. The Director,
Department of Micro, Small & Medium Enterprises,
Chennai-6.

4. The District Collector,
Collectorate Office,
Kanyakumari District,
Nagercoil.

5. The Authorised Officer,
M/s. Cholamandalam Investment and Finance Company
Ltd.,
Dare House, 1st Floor, No.2 N.S.C Bose Road,
Parrys, Chennai-600 001. ...
Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to provide benefit of one time restructuring of credit facilities of petitioner with the 5th respondent financial institution on the basis of Credit Guarantee Scheme for Subordinate Debt (CGSSD) guideline for stressed NPA Memos of the 1st respondent dated 24.06.2020.

For Petitioner : Mr.C.R.Nimal
For R3 & R4 : Mr.P.T.Thiraviyam, Government

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Advocate

For R5

: Mr.K.Rajeshwaran

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ORDER

**(Order of the Court was made by
D.KRISHNAKUMAR, J.)**

The petitioner has sought for issuance of a Writ of Mandamus, directing the respondents to extend the benefit of one time restructuring of credit facilities to him as per the guidelines issued under the Credit Guarantee Scheme for Subordinate Debit (CGSSD) for Stressed/NPA MSMEs dated 24.06.2020.

2. Learned counsel for the petitioner submitted that the Union of India framed a scheme to tide over the economic fallout due to the outbreak of Covid-19 and the Ministry of Micro, Small & Medium Enterprises implemented the scheme namely, Credit Guarantee Scheme for Subordinate Debit (CGSSD) for Stressed/NPA MSMEs dated 24.06.2020, for the purpose of providing

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restructuring of credit facilities to the eligible borrowers for continuity of business in Micro, Small and Medium Enterprises. According to the learned counsel, the petitioner has complied with the requirements of eligible borrower for re-schedulement of the loan account and therefore, he sent representations to the respondents 4 and 5 on 08.09.2020 and 21.09.2020 seeking to extend him the benefit of restructuring facility under the aforesaid scheme, but the said representations did not evoke any response from the respondents. Hence, the petitioner has filed this writ petition before this Court.

3. Learned counsel for the 5th respondent submitted that the petitioner's representations dated 08.09.2020 and 21.09.2020 seeking to extend the benefit of restructuring facility under the Credit Guarantee Scheme for Subordinate Debit (CGSSD) for Stressed/NPA MSMES dated 24.06.2020 will be considered and

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appropriate orders will be passed on merits.

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4. Recording the aforesaid submissions, without going into the merits of the case, this Writ Petition is disposed of directing the 5th respondent to consider the representations of the petitioner dated 08.09.2020 and 21.09.2020 and to pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K.,J.] & [R.V.,J.]

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Index : Yes / No

Internet : Yes

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To

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

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2. Nodal Officer/Ombudsman,
Non Banking Financial Institution,
Reserve Bank of India,
Fort Glacis, Chennai-600 001.

3. The Director,
Department of Micro, Small & Medium Enterprises,
Chennai-6.

4. The District Collector,
Collectorate Officer, Kanyakumari District, Nagercoil.

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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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DATED : 12.12.2022

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