



W.A.No.2193 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

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ATV Projects India Limited
rep. by its General Manager, V.K.Chaturvedi
No.1201, 12th Floor, Windfall Building
Sahar Plaza Complex, Next to Kohinoor Hotel
Andheri Kurla Road, Andheri (E)
Mumbai – 400 059.

.. Appellant

Vs

1. Integrated Finance Company Limited
rep. by its Authorised Signatory, A.Hema Jothi
having its registered office at No.10
R-Block, Second Floor, Prem Nagar Colony
South Boag Road, T.Nagar, Chennai – 17.
2. Government of Tamil Nadu
rep. by Additional Director General of Police
Economics Offences Wing-II
SIDCO Old Garments Complex
Thiru-vi-ka Nagar, Guindy
Chennai – 600 032.



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3. The Principal Secretary to Government
Home Department, Government of Tamil Nadu
Fort St. George, Chennai – 9.

4. The Deputy Superintendent of Police
Economics Offences Winge-II
Police Training College, 2nd Floor
Ashok Nagar, Chennai – 600 083.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 9.12.2021 passed by the learned Single Judge in W.P.No.5104 of 2019.

For the Appellant : Mr.Satish Parasaran
Senior Counsel
for Mr.M.Kempuraj

For the Respondents : Mr.V.P.Raman
for 1st respondent

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.Satish Parasaran, learned Senior Counsel for the appellant; and Mr.V.P.Raman, learned counsel for the first respondent.

2. Mr.Satish Parasaran, learned Senior Counsel for the appellant,



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submits that the appellant was not a party to the writ petition and the learned Single Judge has given directions to the extent that even the property of the present appellant can be attached without notice to the appellant. It is further submitted that the appellant is not a borrower, but a lessee of the equipment.

3. Learned counsel for the first respondent/original writ petitioner submits that the amount borrowed from the depositors was disbursed to many companies, including appellant herein, and the learned Single Judge has directed the original writ petitioner to disclose the information and subsequently action is to be taken as per Sections 3 and 4 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997.

4. In fact, the order passed by the learned Single Judge does not fasten liability on anyone. It only records that the original writ petitioner may furnish necessary particulars of the borrowers, who borrowed money from the writ petitioner company, and that the authority would thereafter proceed further.



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5. When the learned Single Judge had said that the authorities may proceed further as per Sections 3 and 4 of the Act, it does not mean that the respondent authorities would proceed further even without adhering to the procedure and/or the principles of natural justice. Naturally, after the information is given by the original writ petitioner, if the respondent authorities are of the opinion that action deserves to be initiated, then they can do so only after issuing notice to the present appellant. If notice is already issued, it is for the appellant to submit its reply to the same in accordance with law and take further steps.

The writ appeal is disposed of accordingly. It is made clear that we have not decided the contentions on merits. There will be no order as to costs. Consequently, C.M.P.Nos.18928, 18930 and 18929 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

23.08.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



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To

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(sasi)

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