



W.P. No. 37157 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

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

W.P. No. 37157 of 2016

1. M/s. Jegajothi Spinning Mills,
Rep. by its Managing Partner,
V.Subramaniam,
18/61, Akilmedu - 5th Street,
Sait Colony,
Erode & District.

2. V.Subramaniam

3. V.Natarajan

4. V.Vadivelu

5. S.Jeyakumar

... Petitioners

-VS-

1. Tamilnadu Industrial Investment Corporation Ltd.,
Represented by its General Manager (LM & R & Rec),
692, Anna Salai,
Nandanam,
Chennai.

2. Tamilnadu Industrial Investment Corporation Ltd.,
Represented by its Managing Director,
473, Anna Salai,
Nandanam,
Chennai – 600 005.



W.P. No. 37157 of 2016

3. The Tamilnadu Industrial Investment Corporation Ltd.,
Rep. by its Branch Manager,
Erode Branch,
C.S.Sengottaiah Complex,
23, Chidambaram Colony,
80-Feet Road,
Periyar Nagar,
Erode.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records with regard to the impugned order passed by the First Respondent vide his office proceedings vides TIIC/HO/REC/ERD/CS/2016-17 dated 07.09.2016 and quash the same and consequently direct the Respondents to pay the interest at the rate of 12% per annum for the surplus auction sale amount of Rs. 1,77,95,012/- retained by them in the auction sale of the First Petitioner's property held on 15.07.2010 for the period 15.07.2010 to 15.06.2016 by considering the Petitioner's representation dated 07.03.2016 within the time fixed by this Court.

For Petitioners : Mr. M.Karthik
for Mr. I.C.Vasudevan

For Respondents : Mr. K.Mahesh,
Standing Counsel

ORDER

Heard Mr. M.Karthik, Learned Counsel for the Petitioners and Mr. K.Mahesh, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.



W.P. No. 37157 of 2016

2. The dispute involved in the Writ Petition relates to the entitlement of the Petitioners to interest on delayed payment of the excess amount refunded from the sale proceeds of the mortgaged property.

3. In response, Learned Counsel for the Respondents cites the ruling of the Hon'ble Supreme Court of India in *H.P.State Financial Corporation, Shimla -vs- Prem Nath Nanda* [(2000) 8 SCC 528] in which it has been cautioned that the High Court following summary procedure in proceedings under Article 226 of the Constitution ought not to grant interest towards delayed refund of amount by financial institution in the absence of express agreement or statutory provision in that regard.

4. In such circumstances, Learned Counsel for the Petitioners seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioners to work out their remedies for the relief claimed before the proper forum in the manner recognized by law, and he has made an endorsement to that effect in the court record. It is needless to add here that no view has been expressed by this Court on the merits of the controversy involved between the parties.



W.P. No. 37157 of 2016

WEB COPY In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. No costs.

11.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 28.02.2024.

vjt

To

1. The General Manager (LM & R & Rec),
Tamilnadu Industrial Investment Corporation Ltd.,
692, Anna Salai,
Nandanam,
Chennai.
2. The Managing Director,
Tamilnadu Industrial Investment Corporation Ltd.,
473, Anna Salai,
Nandanam,
Chennai – 600 005.
3. The Branch Manager,
Tamilnadu Industrial Investment Corporation Ltd.,
Erode Branch,
C.S.Sengottaiah Complex,
23, Chidambaram Colony,
80-Feet Road,
Periyar Nagar,
Erode.



WEB COPY



W.P. No. 37157 of 2016

P.D. AUDIKESAVALU, J.

vjt

W.P. No. 37157 of 2016

11.12.2023