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W.P.No.1725 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1725 of 2018

And

W.M.P.No.2148 of 2018

CANARA BANK

A Banking company established under the
Banking company (Companies Acquisition and
Transfer of Undertaking Act, 1970),
Having its Head Office at No.112,
J.C.Road, Bangalore,
And Branch Office at No.770A,
1st Floor, Spencer Towers II Building,
Anna Salai, Chennai 600 002
Represented by its Chief Manager
Mr.S.P.Sivakumar

(Petitioner cause title amended
vide order dated 14.12.2022
made in WMP.3318/2022 in
WP.1725/2018 by CVKJ)

... Petitioner

Vs.

ECGC Limited (formerly known as Export Credit
Guarantee Corporation of India Ltd.,)
Bank Business Branch
Overseas Towers 3rd Floor,
765L, Anna Salai,
Chennai 600 002.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorarified Mandamus calling for the records relating to the letter of the Respondent in reference:ECGC/CL/Zylog/2014 dated 17.12.2014 and further letter Chennai BBB/Claim/2016 dated 05.10.2016, quash the same and consequently direct the Respondent to sanction and disburse the claim made by the Petitioner on 15.12.2013 for a sum of Rs.50,23,10,102/- together with interest and costs.

For Petitioner : Mr.Om Prakash
Senior Counsel
for M/s.T.Ravichandran

For Respondent : Mr.Krishna Srinivasan
for M/s.S.Ramasubramanian Associates

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the letter of the respondent in reference:ECGC/CL/Zylog/2014 dated 17.12.2014 and further letter Chennai BBB/Claim/2016 dated 05.10.2016, quash the same and consequently direct the respondent to sanction and disburse the claim made by the petitioner on 15.12.2013 for a sum of Rs.50,23,10,102/- together with interest and costs.

2.The learned Senior Counsel appearing for the petitioner submitted that this Court, without going into the merits of the case,



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may grant liberty to the petitioner to approach the competent civil Court for appropriate remedy and prayed that the period during which the writ petition was pending before this Court may be excluded for the purpose of limitation. To that effect a Memo dated 23.03.2023 has also been filed on behalf of the petitioner.

3.The learned counsel appearing for the respondent raised the maintainability issue for maintaining the writ petition.

4.Heard the learned Senior Counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5.Considering the limited request now made by the learned counsel appearing for the petitioner and the Memo dated 23.03.2023 filed on behalf of the petitioner, this Court, without expressing any opinion on the merits of the case, permits the petitioner to approach the competent civil Court for appropriate remedy, within a period of two weeks from the date of receipt of a copy of this order. The period during which the writ petition was pending before this Court is excluded for the purpose of limitation.



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M.DHANDAPANI,J.
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6.The writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

23.03.2023

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Note: Registry is directed to return the original impugned order to the learned counsel appearing for the petitioner so as to enable the petitioner to approach the competent civil Court.

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

ECGC Limited (formerly known as Export Credit
Guarantee Corporation of India Ltd.,)
Bank Business Branch
Overseas Towers 3rd Floor,
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23.03.2023