



W.P.No.24303 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM :

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

AND

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

W.P.No.24303 of 2023

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.. Petitioner

Vs

The Authorised Officer,
Union Bank of India,
Puducherry Branch,
No.147, Jawaharlal Nehru Street,
Puducherry-605 001.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to refund the bid amount of Rs.46,21,000/- paid at time of E-auction held on 10.03.2023 at the rate of 9% per annum from the date of receipt of money from the petitioner. (Prayer corrected as per the order of this Court dated 5.9.2023 passed in the writ petition)

For the Petitioner : Mr.R.Sreedhar

For the Respondent : Mr.S.Parthasarathy



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ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.R.Sreedhar, learned counsel for the petitioner and Mr.S.Parthasarathy, learned counsel for the respondent.

2. Learned counsel for the petitioner submits that the petitioner is an auction-purchaser and had deposited Rs.46,21,000/- [Rupees Forty Six Lakh Twenty One thousand only] i.e. the entire auction money. The guarantor, whose property was put to auction, has challenged the same before the Debts Recovery Tribunal. The Debts Recovery Tribunal had granted *status-quo* and the guarantor had also deposited Rs.50 lakh before the Debts Recovery Tribunal. The petitioner has moved the bank for refund of her amount by filing a representation. The same be considered by the bank.

3. The petitioner has a remedy to appear in the pending



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Securitisation Application and put forth her stand.

4. As far as the representation of the petitioner for refund of the amount is concerned, the petitioner may prosecute the said representation with the respondent bank as may be permissible under law. It is for the bank to take appropriate decision on the said representation.

5. With these observations, the writ petition is disposed.
There will be no order as to costs.

(S.V.G., C.J.)

(P.D.A., J.)

18.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

The Authorised Officer,
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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKESSAVALU,J.

The writ petition is disposed of under the order dated 18.8.2023.

The Registry has placed the matter on the board as the prayer clause in the order dated 18.8.2023 has not been properly reproduced.

Considering the above, the prayer in the order dated 18.8.2023 be corrected as per the memo of the writ petition.

(S.V.G., CJ.) (P.D.A., J.)
05.09.2023

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