



WP No.27736 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2023

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

AND

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

WP No.27736 of 2022

The Tamil Nadu Boiler and Boilers
Components Manufacturers Association
Rep. by its Treasurer Rajappa Rajkumar : Petitioner

versus

- 1.The Joint Development Commissioner
Office of the Development Commissioner
Ministry of Micro, Small and Medium Enterprises
Government of India, New Delhi
- 2.The Principal Secretary/ Industries Commissioner
and Director of Industries and Commerce
2nd and 3rd Floor, SIDCO Corporate Office Building
Thiru- vi-Ka Industrial Estate
Guindy, Chennai 32
- 3.The Chairman/ Managing Director
Tamil Nadu Industrial Investment Corporate Limited (TIIC)
No.692, Anna Salai
Nandanam Chennai 35
- 4.The Secretary to Government
Department of Micro Small and Medium Enterprises
St.George Fort, Chennai 09



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5.The District Collector
Trichy District

6.The General Manager (Recovery)
Indian Bank No. 254- 260
Avvai Shanmugam Salai
Royapettah Chennai 14

7.The General Manager
Circle Office Canara Bank
No.563 Anna Salai
Teynampet Chennai 18

8.The General Manager
Circle office, Canara Bank
St. Mary Campus
East Veli Street, Madurai 625 001

9.The Assistant General Manager
State Bank of India
Stressed Assets Recovery Branch
No.8, Dr. Ambedkar Road
Vinayaga Nagar Branch Upstairs
Madurai 625 020

10.The Authorized Officer
Union Bank of India
No.16, Williams Road
Near Cantonment Trichy 620 001

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 2 and 3 to formulate a revival and rehabilitation plan within a time frame enabling the petitioners association to discharge the liability from the 6 to 10 respondents and consequently direct the 6 to 10 respondents



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not to initiate any legal proceedings under SARFAESI Act against the 33 members units of the Petitioner Association in pursuant to the proceedings issued by the 3rd respondent vide THC/HO/PROJ/2022-23 dated 20.07.2022 and the subsequent proceedings issued by the 5th respondent in Letter Rc.G5/24703/2018 dated 30.07.2022 till Government order is passed.

For the Petitioner : Mr.B.Balavijayan

For the Respondents : Mr.C.Samivel,
for the first respondent

Mr.P.Muthukumar,
State Government Pleader,
for respondents 2, 4 and 5

Mr.Md.Sulaiman Basha,
for the third respondent

Mr.Jayesh B.Dolia,
for the sixth respondent

Mr.L.Sriraam,
for M/s.Chennai Law Firm,
for tenth respondent

Mr.P.Raghunathan,
for M/s.T.S.Gopalan & Co.,
for respondents 7 and 8

No appearance for respondent No.9



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ORDER

(Made by the Hon'ble Chief Justice)

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We have heard Mr.B.Balavijayan, learned counsel for the petitioner; Mr.C.Samivel, learned counsel for the first respondent, Mr.P.Muthukumar, learned State Government Pleader, for respondents 2, 4 and 5, Mr.Md.Sulaiman Basha, learned counsel for the third respondent, Mr.Jayesh B.Dolia, learned counsel for the sixth respondent, Mr.L.Sriraam, learned counsel for the tenth respondent and Mr.P.Raghunathan, learned counsel for respondents 7 and 8.

2. The learned counsel for the petitioner submits that the petitioner is an association of Boiler and Boiler components manufacturers in the State of Tamil Nadu. The Government had come up with a policy to formulate a revival and rehabilitation plan. In view of that, the third respondent may not take further proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 or such other provisions of law.



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3. Each commercial transaction will have to be viewed based on its own facts. There cannot a blanket order. There may be cases where some of the members of the petitioner association may be *bona fide* defaulters. However, some may be willful or chronic defaulters. The third respondent will be required to consider each case on its own merits, based on the factual matrix therein.

4. In view of the above, the relief as claimed by the petitioner association cannot be considered and granted.

5. The writ petition is disposed of. There will be no order as to costs. Consequently, WMP No.27029 of 2022 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

02.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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