



W.P.No.26671 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26671 of 2023
and W.M.P.No.26102 of 2023

M/s.3S contrete Blocks,
Represented by its Partner Mr. Yaswanth Rao,
Having registered place of business at
Old No.256/1, New No.286/1, Vodafore Upstairs,
GST Road, Chrompet,
Chennai 600 045

... Petitioner

VS.

The Tamil Nadu Investment Cooperation Limited,
Represented by its Branch Manager,
Having a registered place of business at
Door No. 27, 1st Floor, Rajaji Salai,
Tambaram West, Chennai 600 045

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned notice dated 16.08.2023 bearing numbe TIIC/MMN-BO/LOA/2023-24 dated 16.08.2023 under Section 29 of the State Financial Cooperation Act 1951 issued by the Respondent and quash the same and the proceedings arising thereof and consequently to hold proper and fresh proceedings within the time frame as fixed by this Court.



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For Petitioner : Mr.M.Rajeswaran

For Respondent : Mr.K.Magesh
Standing Counsel

ORDER

The writ petition is filed challenging the order passed by the respondent fixing the date as 13.09.2023 for the purpose of holding e-auction in respect of the property, which was taken possession by the respondent by invoking Section 29 of the State Financial Corporations Act, 1951.

2. Mr.K.Magesh, learned Standing Counsel takes notice for the respondent.

3. The learned counsel appearing for the petitioner mainly submitted that he is ready to go for one time settlement and he is ready to deposit a sum of Rs.5,00,000/- immediately.

4. A reading of the impugned order would suggest that as on date of order, a sum of Rs.70.22 lakhs is due from the petitioner.

5. The learned Standing Counsel appearing for the respondent



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submitted that earlier when a demand notice was issued to the petitioner demanding the outstanding amount of Rs.59.19 lakhs, that was due on the date of issuance of demand notice, the writ petitioner challenging the same, filed a writ petition in W.P.No.258 of 2022. At the time of entertaining the writ petition, this Court passed a conditional order directing the petitioner to pay 25% of the demand amount within a period of four weeks.

6. It appears, the petitioner partially complied with the above said order by depositing only a sum of Rs.5,00,000/-. However, the petitioner failed to deposit 25% of the amount as ordered inspite of granting extension of time. Thereafter, when the writ petition came up for hearing, there was no representation for the petitioner. Taking into consideration, the petitioner failed to comply with the interim direction passed by this Court and also the fact that he failed to appear before this Court, the earlier writ petition came to be dismissed. In such circumstances, merely because the petitioner has come forward to go for one time settlement, this Court is not inclined to interfere with the impugned order fixing date for e-auction as 13.09.2023 (tomorrow).

7. Admittedly, the petitioner has committed default in payment of the



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loan amount. As a necessary consequence, the respondent by invoking Section 29 of the State Financial Corporations Act, 1951 had taken possession of the property. Now, the respondent is going for conduct of e-auction.

8. In these circumstances, the petitioner has not made out any case to interfere with the impugned order and consequently, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

12.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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The Branch Manager,
Tamil Nadu Investment Cooperation Limited,
Having a registered place of business at
Door No. 27, 1st Floor, Rajaji Salai,
Tambaram West, Chennai 600 045



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S.SOUNTHAR, J.

dm

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