



W.P.No.35064 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM :

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

AND

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

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1.Sri Ramani Resorts & Hotels Pvt. Ltd.,
rep. by its Director P.R.Shanmugham,
No.8/42, Maharaja Surya Road,
Alwarpet, Chennai-600 018.

2.P.R.Shanmugam

3.Kolappan Ambujam Kalavathy

.. Petitioners

Vs

1.State Bank of India,
(Formerly State Bank of Travancore)
Travancore Alwarpet Branch,
No.4/1, Eldams Road,
Bala Vinayakar Building,
Teynampet, Chennai-600 018.

2.Punjab National Bank,
Nungambakkam,
Chennai.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the respondent culminating in the order declaring the petitioners are willful defaulter, as recorded in the COC Minutes of Meeting held on 29.11.2022 pursuant to the Moratorium declared by the NCLT, Chennai in proceedings ref.no.CP(IB)/22(CHE)/2022 dated 6.6.2022 and quash the same.

For the Petitioners : Mr.B.Harikrishnan

For the Respondents : Mr.K.Chandrasekaran
for respondent No.1

Mr.M.L.Ganesh
for respondent No.2

ORDER

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

Heard Mr.B.Harikrishnan, learned counsel for the petitioners;
Mr.K.Chandrasekaran, learned counsel for the first respondent and
Mr.M.L.Ganesh, learned counsel for the second respondent.



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2. Learned counsel for the petitioners submits that the petitioners are withdrawing the writ petition with regard to the second respondent with liberty to file a fresh one.

3. The petitioners are granted leave to withdraw the writ petition with regard to the second respondent. The petitioners may file an independent writ petition against the second respondent, as may be permissible under law.

4. In view of the above, the present writ petition is considered only qua the first respondent.

5. The first respondent has declared the petitioners as willful defaulters.

6. After the Identification Committee has passed an order, the copy of the said order was not supplied to the petitioners and the Review Committee has passed an order.



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7. Learned counsel for the first respondent bank could not demonstrate that the copy of the order of the Identification Committee was supplied to the petitioners.

8. In the light of that, we pass the following orders:

(i) The order passed by the Review Committee is set aside.

(ii) The petitioners shall be served with the copy of the order of the Identification Committee.

(iii) The petitioners may file their reply to the said order of the Identification Committee within a period of seven days from the date of receipt of that order.

Thereafter, the Review Committee may proceed further in accordance with law.

9. With these observations and directions, the writ petition stands disposed of. Consequently, W.M.P.Nos.34504, 34506 and 34508 of 2022 are closed.



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W.M.P.No.34503 of 2022 filed by the petitioners to permit the petitioners to file a single writ petition is allowed and disposed of, inasmuch the petitioners have paid separate sets of court fee.

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

(P.D.A., J.)

14.09.2023

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

State Bank of India,
(Formerly State Bank of Travancore)
Travancore Alwarpet Branch,
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKE SAVALU, J.

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