



W.P.(MD) No.13037 of 2012

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.13037 of 2012

and

M.P.(MD) Nos.1 and 2 of 2012 and 1 of 2014

M/S.EBE LIZA ENTERPRISES

55, Brotherton Street,
Nazareth 628 617,
Thoothukudi District,
represented by its
Prop. Mrs.Esther Obed

... Petitioner

/vs./

- 1.The Government of Tamil Nadu,
represented by its Secretary to Government,
Industries and Commerce Department,
Fort St.George,
Chennai 600 009.
- 2.The Tamil Nadu Industrial Investment Corporation Ltd.,
No.692, Anna Salai,
Nandhanam,
Chennai 600 035,
represented by its
Chief Managing Director.



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3.The General Manager,
Loan (Monitoring and Rehabilitation) Division,
TIIC 692, Anna Salai,
Nandhanam, Chennai.

4.The Regional Manager,
Tirunelveli Region,
Hotel Sakunthala Complex,
Vannarapettai,
Tirunelveli.

5.The Branch Manager,
TIIC, 4/35, NPS.Complex,
Near Anna Bus Stand,
Thoothukudi 628 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order of 5th respondent corporation dated 10.09.2012 in TIIC/TUTY/BO/LAO/2012/13 and consequent demand notices dated 17.09.2012 and 20.09.2012 and quash the same and direct the 5th respondent TIIC to reschedule the petitioner's loan account and to issue standard form Certificate for the loan accounts.

For Petitioner : Mr.N.Dilip Kumar

For R1 : Mr.G.Sivaraja
Government Advocate

For R2 to R5 : Mr.R.Saravanan



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ORDER

The writ petition is seeking for a Certiorarified Mandamus to call for the records relating to the order of the fifth respondent Corporation dated 10.09.2012 in TIIC/TUTY/BO/LAO/2012/13 and consequential demand notices dated 17.09.2012 and 20.09.2012, to quash the same and to direct the fifth respondent Corporation to reschedule the petitioner's loan account and to issue standard form certificate for the loan accounts.

2.The learned counsels appearing on either side had submitted that an one time settlement of Rs.1,37,55,087/- has been arrived at. The said amount includes a sum of Rs.1,54,930/-, which represents other charges that have been incurred by the respondents. The respondents have also agreed to adjust a sum of Rs. 20,58,000/- received as subsidy amount from the Coconut Board in favour of the petitioner.

3.It is also agreed to adjust the down payment amount of Rs.10,00,000/- remitted by one Eswaran, a third party into the account of the petitioner towards the proposal for one time settlement. The petitioner is also to submit his letter of



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acceptance within 7 days from the date when the final order is passed in this writ petition.

4.Having considered the settlement that has been arrived at by the parties, I direct the petitioner to submit their acceptance of one time settlement on or before 28.02.2023. The petitioner shall pay the balance amount of Rs.1,06,97,087/- being the amount after deducting the subsidy amount and the down payment amount recorded supra on or before 31.05.2023. The petitioner shall also pay the other incidental charges, which shall not exceed Rs.50,000/-. The petitioner shall also withdraw the pending proceedings before the Debt Recovery Tribunal. In case of any default, the respondents are at liberty to proceed further for recovery of the dues in accordance with law. The respondents shall release the original documents and discharge the mortgage on full satisfaction of the one time settlement payment and the same shall be done within a period of two weeks from the date of making such payment.



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5. With the aforesaid directions, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

14.02.2023

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To

The Secretary to Government,
Industries and Commerce Department,
Fort St. George,
Chennai 600 009.



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K.KUMARESH BABU, J.

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