



W.P(MD)No.3169 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.3169 of 2023
and
W.M.P(MD)Nos.2952 & 2954 of 2023**

M/s.Agathyaz Traders,
Represented by its Proprietrix G.Geetha,
W/o.Gopalan,
No.75, Trichy Main Road,
Thirumanilaiyur,
Karur – 639 002.

... Petitioner

VS.

1.The Authorised Officer,
State Bank of India,
Stressed Assets Recovery Branch,
(Behind N.S.Palaniappa Nursing Home),
Coimbatore – 641 018.

2.The Branch Manager,
State Bank of India,
SME Siruthozhil Branch,
Karur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari, to call for the records pertaining

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to the impugned order in CrI.M.P.No.1038 of 2022 on the file of the learned Chief Judicial Magistrate, Karur, dated 16.12.2022 and quash the same.

For Petitioner : Mr.G.Mohankumar

For Respondents : Mr.P.Pethu Rajesh
Standing Counsel

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Since the Presiding Officer, Coimbatore, is in-charge of the Debts Recovery Tribunal, Madurai and the Debts Recovery Tribunal, Madurai is functioning weekly once ie., on every Friday, the petitioner has filed the present Writ Petition.

2.By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.

3.The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorari, to quash the impugned order in CrI.M.P.No.1038 of 2022 on the file of the learned Chief Judicial Magistrate, Karur, dated 16.12.2022.



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4.The learned counsel appearing for the petitioner submitted that during Covid-19 pandemic situation, the entire business has been closed and due to financial crisis, the petitioner was unable to pay the entire outstanding amount to the respondent Bank and he also paid GST to the Department. Simultaneously, the respondent Bank had initiated proceedings against the petitioner for payment of the entire outstanding amount. Now, the learned counsel appearing for the petitioner submitted that the petitioner undertakes to pay the entire outstanding amount either by One Time Settlement or any other offer made by the respondent Bank.

5.The learned standing counsel appearing for the respondent strongly objected to the proposal made by the petitioner and submitted that the petitioner's intention was to stall the entire proceedings without paying the outstanding amount to the respondent Bank. So far, the petitioner has not shown any *bona fide* to pay the said amount to the respondent Bank. If the petitioner pays some amount to the respondent Bank, the respondent Bank will consider the petitioner's proposal.



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6.The learned counsel appearing for the petitioner submitted that the petitioner undertakes to pay a sum of Rs.1 crore to the respondent Bank within a period of two weeks.

7.Considering the submissions made on either side, we are inclined to pass the following order:-

(i) The petitioner is directed to pay a sum of Rs.1 crore to the respondent Bank within a period of two weeks from the date of receipt of a copy of this order.

(ii) In the meantime, the petitioner is also directed to submit a proposal before the respondent Bank for settlement of the remaining outstanding amount either by way of One Time Settlement or any other offer made by the respondent Bank.

(iii) If the said proposal is submitted by the petitioner, on payment of the aforesaid amount of Rs.1 crore by the petitioner, the respondent Bank shall consider the same and pass appropriate orders in accordance with law, within a period of two weeks thereafter.

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(iv) Till such, the impugned order in CrI.M.P.No.1038 of 2022 on the file of the learned Chief Judicial Magistrate, Karur, dated 16.12.2022, shall be kept in abeyance.

(v) If the petitioner fails to comply with the aforesaid undertakings, the respondent Bank may proceed further in accordance with law.

8.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [L.V.G.,J.]
16.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

Note:- Issue Order Copy on 21.02.2023.



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To

- 1.The Authorised Officer,
State Bank of India,
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(Behind N.S.Palaniappa Nursing Home),
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D. KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
W.P(MD)No.3169 of 2023

DATED : 16.02.2023