



WEB COPY



W.P.No.16654 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.16654 of 2024

1. M/s Sri Jaiganesh Enterprises
Plot Nos.52 to 56, Eswari Gardens
Titan Watches back side
Anand Nagar Road, Hosur 635 126
Also M/s Sri Jaiganesh Enterprises
at No.152, SIPCOT Industrial Complex
Hosur 635 109
2. Mr.S.Velan Sivakumar
3. Mr.S.Elangovan
4. Mr.M.Shenbaganatarajan
5. Mr.D.Prasad Babu

.. Petitioners

v.

City Union Bank
No.123, Denkanikottai Road
Opp to Sub Collector Office
Hosur

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorarified Mandamus calling for the
records relevant to the OTS letter dated 06.03.2023 passed by the



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respondent and quash down the OTS letter dated 06.03.2023, therein fixed the date of payment on 07.03.2023, the said OTS letter received by the petitioners on 08.03.2023 and direct the respondent to issue fresh OTS letter.

For Petitioners :: Mr.J.Siddhardhan

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

W.M.P.No.18290 of 2024 seeking to permit the petitioners to file a single writ petition stands allowed.

2. This writ petition is filed with a peculiar relief, obviously with ulterior motive, without bonafides. The one time settlement proposal submitted by the petitioners earlier by letter dated 13.02.2023 offering to pay a sum of Rs.415 lakhs, was approved by the respondent Bank by the impugned order dated 06.03.2023. The acceptance of one time settlement was subject to the condition that a sum of Rs.50 lakhs should be paid on or before 07.03.2023 and a further sum of Rs.365 lakhs should be paid on or before 10.04.2023. The petitioners challenge this communication nearly one



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year and three months later, on the ground that the first condition directing the petitioners to pay a sum of Rs.50 lakhs on or before 07.03.2023 could not have been complied with, as the letter dated 06.03.2023 itself was served on the petitioners only on 08.03.2023.

3. This Court is unable to see any bona fide in this contention. The petitioners had ample time to give a representation. When the proposal was subject to the entire payment being settled before 10.04.2023, the petitioners ought to have submitted a representation to grant sufficient time to make the first instalment, if they were really aggrieved by the manner in which the one time settlement proposal was approved by the respondent Bank and communicated to the petitioners. It is admitted that the petitioners have not submitted any representation to the respondent Bank after receipt of confirmation of offer vide letter dated 06.03.2023. This itself shows that there is absolutely no bonafides in this litigation. Moreover, this Court cannot dictate terms to the respondent Bank concerning one time settlement. The petitioners have failed to avail the opportunity granted earlier by the Bank and have approached this Court with untenable grounds. Having



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regard to the law settled by the Hon'ble Supreme Court that this Court is not expected to give directions to the Bank regarding OTS proposal, which is within the exclusive discretion of the respondent Bank, this writ petition is devoid of any merit. The writ petition is, therefore, dismissed not only for want of merits, but also for lack of bonafides. However, it is open to the petitioners to submit fresh proposal for OTS and the same may be considered by respondent in accordance with law as per any scheme or RBI guidelines applicable to the petitioners without prejudice to any other action the respondent Bank has initiated in the meanwhile. Consequently, W.M.P.Nos.18293 & 18295 of 2024 are also dismissed.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
27.06.2024

ss

To

1. The Authorised Officer
City Union Bank
No.123, Denkanikottai Road
Opp to Sub Collector Office
Hosur



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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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