



W.P.No.10092 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10092 of 2023

Sree Visalam Chit Fund Limited,
Represented by its Managing Director,
Mr.Arunachalam Viswanathan,
Having its Registered Office at
SVCF Building, 2/13/1, Kattalai Street,
Tirunelveli Town,
Having its Administrative Office at 158,
OA Street, Pallatur-630 107,
Sivagangai District.

... Petitioner

Vs.

1. The Registrar of Companies,
Sastri Bhavan II Floor,
26, Haddows Road,
Chennai-600 006.
- 2.Shamrao Vithal Co-operative Bank,
8/1, Saraswat Colony,
Talmaki Road, Santacruz West,
Mumbai, Maharashtra-400054.



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3.State Bank of Saurashtra [Now State Bank of India]

Having Registered Office at State Bank Bhavan,
Corporate Centre, Madame Cama Road,
Mumbai, Maharashtra-400 021.

...

Respondents

*(*R2 and R3 are impleaded vide order dated 29.08.2024 made in W.M.P.No.28976 of 2023 in W.P.No.10092 of 2023 *)*

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to remove the Charges appearing in Sl.No.1-4 under the Charges registered in the petitioner's name in the Ministry of Corporate Affairs portal.

For Petitioner : Mr.Ashwin Shanbhag

For Respondents : Mr.Janorthanan
Senior Panel Central Government
Counsel for R1
No-appearance for R2
Mr.K.Rathinavel
for Mr.S.Rajesh for R3

O R D E R

This Writ Petition has been filed to direct the first respondent to remove the Charges appearing in Sl.No.1-4 under the Charges registered in the petitioner's name in the Ministry of Corporate Affairs portal.



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2. The learned counsel appearing for the petitioner submits that the petitioner is a Chit Fund Company and was established in the year 1972. In the year 2016, the petitioner noticed that the index of its Charges on the Ministry of Corporate Affairs website contained certain charges not pertaining to any of the petitioner's transactions and for removal of the charges, the petitioner was advised to obtain No Due Certificate from the respective Bankers and obtain an affidavit signed by all the Directors of the petitioner Company and thereafter, the petitioner has obtained No Due Certificate from all the Banks, except the third respondent Bank, namely, the State Bank of Saurashtra, Mumbai and though the petitioner has requested the State Bank of Saurashtra, Mumbai to issue No Due Certificate, there has been no response from the said Bank. Upon obtaining the No Dues Certificates, the petitioner has sent a letter dated 19.01.2022 to the first respondent along with the affidavit signed by all the Directors to remove the charges entered wrongly, however, no action was taken. Aggrieved by the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner submits that it would suffice, if this Court directs the first respondent to hear the third respondent Bank and consider the letter dated 19.01.2022 sent by the petitioner and pass appropriate orders, within a time fixed by this Court.

4. Heard the learned counsel appearing for the petitioner, the learned Senior Panel Central Government Counsel appearing for the first respondent and the learned counsel appearing for the third respondent.

5. Considering the facts and circumstances of the case and the submission made by the learned counsel appearing for the petitioner, this Court directs the first respondent to hear the petitioner and the third respondent Bank and pass appropriate orders on the letter dated 19.01.2022 sent by the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. If the third respondent Bank fails to appear or send any communication, the first respondent may draw adverse inference against the third respondent Bank.



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6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

29.08.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

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M.DHANDAPANI, J.

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