



WEB COPY



W.P.No.14638 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.14638 of 2021
and W.M.P.Nos.15523 & 27505 of 2021

K.Balakrishna Reddy

... Petitioner

Vs.

- 1.Bank of Baroda,
Rep. by Assistant General Manager,
Zonal stressed asset recovery branch,
1st street, 74, Theagaraya Road,
T.Nagar, Chennai – 600 017.
- 2.Committee of Executives on Wilful defaulters,
Bank of Baroda,
Rep. by General Manager (Recovery),
1st Street, 74, Theagaraya Road,
T.Nagar, Chennai – 600 017.
- 3.Review Committee on Wilful Defaulters,
Bank of Baroda,
Rep. by Chairman and Managing Director,
1st Street, 74, Theagaraya Road,
T.Nagar, Chennai – 600 017.
- 4.M/s.Vijay Home Appliances limited,
No.22/103, Canal Bank Road,
C.I.T. Nagar (East), Nandanam,
Chennai – 600 035.
Also at: N.No.8-3191-14, Housing Board,
5/A, Vengalrao Nagar, Telangana – 500 038.



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... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records in proceedings vide letter No.BOB/SAMCHE/WD/VHAL2021, dated 01.06.2021 on the file of the third respondent declaring the petitioner as wilful defaulter and quash the same with respect to the petitioner.

For Petitioner : M/s.K.Jayasudha

For Respondents 1 to 3 : Mr.Mohan

For Respondent 4 : No representation

ORDER

The petitioner has filed this petition to call for the records in proceedings vide letter No.BOB/SAMCHE/WD/VHAL2021, dated 01.06.2021 on the file of the third respondent declaring the petitioner as wilful defaulter and quash the same with respect to the petitioner.

2. Learned counsel for the petitioner would submit that the petitioner was employed as Professional Director in the fourth respondent company and



was later promoted as Managing Director in the year 2011. Thereafter, he resigned from the said company on 01.08.2012 owing to personal reasons.

However, the third respondent by his order dated 01.06.2021 declared the petitioner as wilful defaulter. Challenging the same, the present writ petition is filed.

3. Learned counsel appearing for the respondents 1 to 3 would fairly submitted that the reply of the petitioner and the fourth respondent to the show cause notice dated 27.11.2019 was not discussed in the impugned order. Hence, this Court may set aside the impugned order dated 01.06.2021 and remand the matter back to the review committee/third respondent for passing fresh orders on merits and in accordance with law.

4. Heard the learned counsel on either side and perused the materials available on record.

5. In view of the fair submission made by the learned counsel appearing for the respondents 1 to 3, the impugned order dated 01.06.2021 is liable to be interfered and the same is set aside and the matter is remitted back to the third



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respondent to pass speaking order, after providing necessary opportunity of hearing to the petitioner.

6. With the above observation and direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are also closed.

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Index : Yes/No

Speaking Order : Yes/No

To:

- 1.The Assistant General Manager,
Bank of Baroda,
Zonal stressed asset recovery branch,
1st street, 74, Theagaraya Road,
T.Nagar, Chennai – 600 017.
- 2.The General Manager (Recovery),
Committee of Executives on Wilful defaulters,
Bank of Baroda,
1st Street, 74, Theagaraya Road,
T.Nagar, Chennai – 600 017.
- 3.The Chairman and Managing Director,
Review Committee on Wilful Defaulters,
Bank of Baroda,
1st Street, 74, Theagaraya Road,
T.Nagar, Chennai – 600 017.



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4.M/s.Vijay Home Appliances limited,
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M.DHANDAPANI,J.

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