



WP.No.14178 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.14178 of 2024

Hi-Tech Bio Products, by its Partner A.Umamaheswari
Chennai-92

Petitioner

Vs

1. Guhan Paper Mills, represented by K.R.Gunaseelan
Dindugal 624621
2. Central Bank of India, Coimbatore 641001
3. IDBI Bank, Coimbatore 641018
4. CFM Asset Reconstruction Private Limited
Mumbai 400038
Respondents

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 2nd Respondent to provide all necessary documents/ information as sought for by the successful auction purchaser/ Petitioner to afford them with a fair opportunity to file their reply before the Debt Recovery Tribunal.



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For Petitioner : Ms.Dhanya Dheekshitha KH

For Respondents : Mr.T.Shanmugananda Vijayakumar-R2
R3- No Appearance

ORDER

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

1. This Writ Petition has been filed to issue a Writ of Mandamus to direct the 2nd Respondent to provide all necessary documents/ information as sought for by the successful auction purchaser/ Petitioner to afford them with a fair opportunity to file their reply before the Debt Recovery Tribunal.
2. This Court heard the learned counsel on either side, considered their submissions and also the perused material records placed before this Court.
3. The Petitioner is the auction purchaser pursuant to the auction proceedings initiated by the Respondents 2 to 4 as against the 1st Respondent. The Petitioner participated in the auction. The Petitioner, apart from paying EMD, also deposited a sum equivalent to 25% of the bid amount on 06.10.2020 and the balance amount was paid on 18.11.2020. Though the sale was confirmed and possession was handed



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over to the Petitioner, the grievance of the Petitioner is that the Petitioner is unable to get all the documents, which are important and required for the Petitioner to defend the proceedings that are pending at the instance of the borrower, challenging the possession or sale.

4. It is not in dispute that the Petitioner, who was impleaded as a party in the SARFAESI application in SA.No.106 of 2016, has filed an application in IA.No.3650 of 2023, to direct the 3rd Respondent to provide copies of 16 documents enumerated in the Petition. Despite the application filed by the Petitioner, the Respondent Bank has admitted before this Court that the documents, which are enumerated in the application, are not furnished to the Petitioner. Even though a notice is issued in the SARFAESI application in SA.No.106 of 2016, it is represented by the learned counsel for the Petitioner that the Respondent Bank has not filed a counter and in the absence of any effort by the Respondent Bank, the apprehension of the Petitioner is that the Respondent Bank will not cooperate in contesting the proceedings, challenging the sale or possession initiated by the Respondent Bank. The Petitioner is entitled to defend all actions that are initiated by the borrowers effectively and it is only for this purpose the Petitioner seeks



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those documents.

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5. The learned counsel for the Respondent Bank does not not dispute the possession of the documents, which are enumerated by the Petitioner in the proceedings in IA.No.3650 of 2023 in SA.No.106 of 2016. However, the only submission of the learned counsel for the Respondent Bank is that the Petitioner is claiming not only the documents, which are relating to the property purchased by the Petitioner during the action, but also in respect of other properties.
6. Since the borrower has challenged possession notice and the Petitioner, who has purchased the property has to defend the case more effectively, this Court is of the view that the Respondent Bank cannot refuse to give at least copy of documents.
7. Under these circumstances, this Court finds merits in this Writ Petition. Hence, a direction is issued to the 2nd Respondent to provide all necessary and appropriate documents and information as sought for by the Petitioner in IA.No.3650 of 2023 in SA.No.106 of 2016. Documents relating to other properties are concerned, the Respondent shall hand over only certified xerox copies. If for any reason, the Respondent Bank is unable to get the documents and information, which are referred to in



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the application, the 2nd Respondent shall pass an order as to why such document cannot be furnished. In case, by an order or communication, the Respondent Bank refuses to furnish the particulars, it is open to the Petitioner to challenge the order by appropriate proceedings.

8. With the above directions, this Writ Petition is disposed of. No costs.

(S.S.S.R.J.) & (N.S.J.)
23.07.2024

Index: Yes/No

Web: Yes/No

Speaking/Non Speaking

Neutral Citation: Yes/No

Srcm

To

1. Central Bank of India, Coimbatore 641001

2. IDBI Bank, Coimbatore 641018



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S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

Srsm

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