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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31077 of 2023
and WMP.Nos.30704 & 30705 of 2024

Shuchi Jain

... Petitioner

Vs.

Indian Bank,
Stressed Asset Management Branch,
Willful Defaulter Screening Committee,
No.55, Ethiraj Salai, Second Floor,
Chennai-8.

... Respondent

Prayer: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records of the respondent herein in order No.SAMB/CHE/457/2023-24 dated 28.08.2023 and quash the same.

For Petitioner

: Mr.Bhagavath Krishnan

For Respondent

: Mr.L.Ganesh

ORDER

This petition has been filed seeking to quash the order dated 28.08.2023 passed by the respondent.

2. It is the case of the petitioner that the petitioners husband has availed loan from the respondent Bank and all of a sudden, he died. The petitioner has



stood only as a guarantor. In such circumstances, the willful defaulters screening committee of the respondent herein passed impugned order on 25.08.2023 stating that the total outstanding balance as on 27.08.2023 is Rs.36.02 crores. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that this Court without going into the merits of the case may permit the petitioner to file appeal before the review committee.

4. On the other hand, the learned standing counsel appearing for the respondent submitted that the petitioner is not only stood as a guarantor she is also a Director and a shareholder in Capricorn food products private limited. The petitioner ought to have filed an appeal before the review committee within 15 days from the date of receipt of the order passed by the willful defaulter screening committee. To drag on the issue, the petitioner has filed the present writ petition, which is not maintainable one. Hence, the learned counsel prays to dismissed the same.

5. Heard the learned counsel for the petitioner and the learned Counsel appearing on behalf of the respondent and perused the materials available on



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6.As rightly submitted by the learned counsel for the respondent that if the petitioner has any grievance in the impugned order passed by the wilful defaulter screening committee, she has to approach the review committee within the stipulated time. Without doing so, filing the present writ petition is not maintainable and the same is liable to be dismissed.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

01.10.2024

To

Indian Bank,
Stressed Asset Management Branch,
Wilful Defaulter Screening Committee,
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M.DHANDAPANI,J.

Rli

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