



W.P.No.1694 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.1694 of 2024

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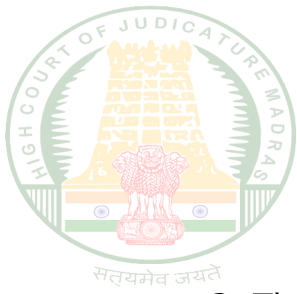
W.M.P.Nos.1737 & 1738 of 2024

T.R.Vijayakumar
Managing Director of CBC Fashions (Asia) Pvt. Ltd.
Since removed by virtue of the order dated
25.09.2023 of the NCLT, Chennai
Residing at S.F.No.373-Sahajapuram Extension
2nd Street, Nandhus Illam, K.Chettipalayam,
Dharapuram Road, Tiruppur, TN-641 604.

Petitioner(s)

Vs

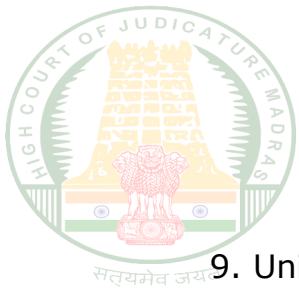
1. Board of Directors of State Bank of India
Rep. by its Managing Director & CEO
State Bank Bhawan, M.C. Road
Nariman Point, Mumbai
Maharashtra-400 021.
2. Chairperson
Committees for Stressed Micro, Small and
Medium Enterprises
State Bank Of India
Rep. By Its Managing Director & CEO
State Bank Bhawan, M.C. Road
Nariman Point, Mumbai
Maharashtra-400 021.



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3. The Authorized Officer
State Bank of India,
Stressed Assets Management Branch
112, Raja Palaza Avinashi Road,
Coimbatore-641 037.
4. The Authorized Officer
State Bank of India
Special Commercial Branch
Old No.24, New No.44, Stanes Road 4th Street
Tirupur, TN-641 602.
5. NCLT Chennai-Court-1
Rep. by its Registrar
II Floor, Corporate Bhawan
Beach Rd, Mannadi, George Town
Chennai, Tamil Nadu 600 001.
6. Raghavendran
Resolution Professional appointed by NCLT
Having Office at
Flat No.3, Dhruvatara Apartments
241, Dr.Rajendra Prasad Road, Tatabad
Coimbatore-641 012.
7. V.Pandiselvi
Advocate Commissioner appointed in CrI.MP
No.12663/2022 on the files of CJM Court
Tiruppur, 45/1, Annai Sathya Sri Balaji Nagar,
Pattatharasi Annai Kovil (opp),
Rakkiapalayam, Kangeyam Naad
Tirupur-641 606.
8. Ministry Of Micro Small And Medium
Enterprises
Rep. By Secretary, Udyog Bhawan
Rafi Marg, New Delhi, Delhi-110 001.



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9. Union of India

Rep. By Secretary

Department of Financial Services

Ministry of Finance

3rd Floor, Jeevan Deep Building, Sansad Marg

New Delhi-110 001.

10. Reserve Bank Of India

Rep. by the Executive Director

Shahid Bhagat Singh Road

Fort Mumbai 400 001.

11. State Of Tamil Nadu

Rep. by its Secretary

Department of Micro, Small & Medium

Enterprises (MSME), Fort St. George

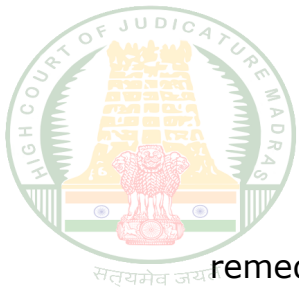
Chennai-600 009.

Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Declaration

a. to declare that the Petitioner is an MSME within the meaning of the MSMED Act of 2006 and notification dated 29.05.2015 issued by the Central Government under Section 9 thereof, as also the circulars and guidelines issued by the Reserve Bank of India under Section 10 thereof, which provides for a mechanism of resolution of stress and that no proceedings for recovery under the SARFAESI Act, RDB Act or the IBC will lie, in as much as the MSMED Act being a special law qua the aforesaid Acts, and a later law in relation to the RDB Act and the SARFAESI Act, its provisions will prevail over the aforesaid enactments;

b. to declare that the MSME Act in so far as it has not created a Special forum/tribunals to enforce the inter-se rights and obligations/



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remedies, which it has created in addition to those rights/obligations/ remedies recognized by the common law, the jurisdiction of the Civil Court is not ousted, for is is impossible to oust the jurisdiction of the Civil Court without providing for an alternative forum/tribunal to adjudicate the inter se disputes between parties who are governed by the Act;

c) to declare that Sections 5 and 6 of the SARFAESI Act of 2002 is unconstitutional and void in as much as it permits alienation of the properties of a secured debtor/ borrower without notice him, nay entirely behind his back, thus impinging Articles 14, 19 and 21 of the Constitution;

d) to declare that the entire proceedings at the hands of the Respondent Nos.3 and 4, 5 and 7, Authorised Officers of the State Bank of India, the Chief Judicial Magistrate, Tiruppur the Ld. NCLT-1 Chennai under Section 13(2), 13(4) and 14 of the SARFAESI, Security Interest (Enforcement) Rules, and under Section 7 of the IBC Act are illegal and void and to grant a consequential writ in the nature of certiorari or any other appropriate writ or order quashing and setting aside the same;

e) to call for the entire records and proceedings at the hands of the Authorised Officers as well as the Chief Judicial Magistrate, Tiruppur, leading to the order dated 20.01.2023 in CrI. MP No.12663 of 2022 and to quash and set aside the same as being without jurisdiction, in violation of fundamental principles of judicial procedure and most importantly, being in violation of Articles 14, 19 and 21 of the Constitution;

f) directing respondent no.1, Board of Directors of the State



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Bank of India to constitute a committee for the resolution of the stress of the unit of the instant petitioner's Company, an MSME as contemplated in paragraph 2 of the notification dated 29.05.2015 issued under the MSMED Act, and further to direct the Committee to resolve the stress in accordance with the said notification and such other relevant notifications/regulations framed by the RBI; and

g) restraining and prohibiting the Respondent bank from initiating or continuing any measures for recovery under any law, in particular, Sections 5.5, 6, 13 and 14 of SARFAESI Act and the rules made thereunder, and the Recovery of Debts and Bankruptcy Act, IBC Act and in particular the sale scheduled for 24.12.2024 in furtherance of sale notice.

For Petitioner(s): No Appearance

For Respondent(s): Mr. M.L.Ganesh for R1 to R4
Mr. K.Kumaran
Government Pleader for R11

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ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

None appears for petitioner.



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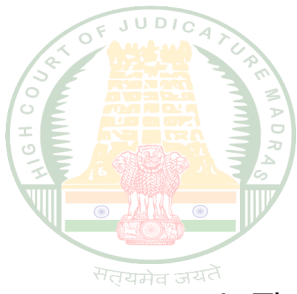
2. Petition is dismissed for non-prosecution. There shall be no order as to costs. Consequently, the interim applications are also dismissed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
29.06.2026

kpl

To

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Maharashtra-400 021.
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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