

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Special Original Jurisdiction )

Monday, the Twenty Third day of March Two Thousand Twenty

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PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

and

THE HON`BLE MR.JUSTICE KRISHNAN RAMASAMY

WP No.7381 of 2020

and WMP Nos.8827 to 8829 of 2020

M/S.EASWARI MODERN RICE MILLS [PETITIONER IN ALL THE PETITIONS]  
(P) LTD., REP BY ITS MANAGING DIRECTOR  
JEEVA JAGADEESAN, A-48 TO 51, 2ND MAIN ROAD,  
PIPDIC INDUSTRIAL ESTATE, METTUPALAYAM,  
PUDUCHERRY-605009

Vs

1 UNION OF INDIA [RESPONDENTS IN ALL THE PETITIONS]  
MINISTRY OF FINANCE, DEPARTMENT OF FINANCIAL  
SERVICES, REP BY THE SECRETARY TO GOVT,  
JEEVAN DEEP BUILDING, PARLIAMENT ST,  
NEW DELHI-110 001

2 THE MINISTRY OF MICRO, SMALL  
AND MEDIUM ENTERPRISES, REP BY THE ADDL.  
SECRETARY AND DEVELOPMENT COMMISSIONER,  
UDYOG BHAWAN, RAFI MARG, NEW DELHI-110 011

3 THE RESERVE BANK OF INDIA  
DEPARTMENT OF REGULATION, REP BY ITS CHIEF  
GENERAL MANAGER IN CHARGE, 12TH FLOOR,  
CENTRAL OFFICE BUILDING, SHAHID BHAGAT SINGH  
ROAD, MUMBAI-400 001

4 THE KARUR VYSYA BANK LTD.,  
DIVISIONAL OFFICER VILLUPURAM, REP BY ITS  
AUTHORISED OFFICER, D.NO.15, 1ST FLOOR, G.V.  
FARMS BUILDING, MAMPAZHAPATTU ROAD,  
VILLUPURAM -605 602

5 THE KARUR VYSYA BANK LTD  
REDDIYARPALAYAM BRANCH, REP BY ITS BRANCH  
MANAGER, P.NOS.21 AND 22, VILLUPURAM ROAD,  
RASATHIAMMALA NAGAR, REDDIYARPALAYAM,  
PUDUCHERRY- 605 010



Writ Petitions under article 226 of the Constitutions of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

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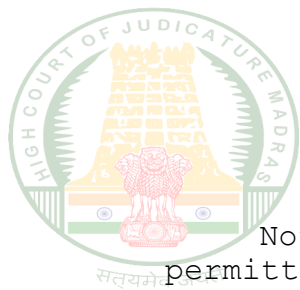
(i) issue a writ in the nature of a writ of certiorarified mandamus or any other appropriate writ, direction or order, calling for the records relating to the (i) Communication bearing No.214/2019/2020 dt.21.06.2019 and (ii) order bearing Ref. VPMDO/ General/ 87/ SARFAESI 13 (3A)/2019-20 dt.09.10.2019 on the file of the 5th and 4th respondent and quash the same and consequently, direct the respondents 4 and 5 Bank to implement the Instructions bearing (i) RBI/2019-20/100-DBR.No.BP.BC.18/21.04.048/2018-19 dt.01.01.2019 and (ii) RBI / 2019-20 / 160-DOR.No.BP.BC.34 / 21.04.048 / 2019-20 dt.11.02.2020 issued by the 3<sup>rd</sup> respondent-Reserve Bank of India and (i) the MSME Credit and Rehabilitation Policy and (ii) the Code of Bank's commitment to Micro and Small Enterprises framed by the Bank itself, make one time restructuring of the Loans borrowed by the Petitioner, disburse provide the balance OD-Working Capital facility of Rs.1,00,00,000/- as per the Project Report and the commodity loan required by the Petitioner, rehabilitate it and enable it to operate and repay the loan amounts within the time that may be fixed by this Hon'ble Court and not to take any coercive action against the petitioner Rice Mill to recover the loan amounts till such time (in WP.7381/2020);

(ii) grant an order of interim injunction, restraining the respondents 4 and 5 from taking any coercive actions against the petitioner Rice Mill, including under the SARFAESI Act 2002 to recover the loan amounts (in WMP.8827/2020);

(iii) direct the respondents 4 and 5 Bank to disburse provide the balance OD-Working capital facility of Rs.1,00,00,000/- as per the project report and the commodity loan against the stock value made in the godown of the petitioner rice mill and ensure its continuous operation and repayment of the loans (in WMP.8828/2020) and

(iv) direct the respondents 4 and 5 Bank to implement the Instructions bearing (i) RBI/ 2019- 20/100 DBR No.BP BC 18/ 21.04.048/ 2018-19 DT.01.01.2019 AMD (ii) RBI-2019-20/160- DOR No.BP BC.34/ 21.04.048/ 2019-20 DT.11.02.2020 Issued by the 3rd respondent reserve Bank of India and (i) the MSME Credit and Rehabilitation police and (ii) the code of Banks commitment to Micro and Small Enterprises framed byt he Bank itself make one time restructuring of the loans borrowed by the petitioner Rice Mill and rehabilitate it, pending disposal of the writ petition (in WMP.8829/2020) pending WP No.7381/2020.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.T.P.MANOCHARAN, SENIOR COUNSEL FOR M/S.T.M.NAVEEN, Advocate for the petitioner in both the petitions, the court made the following order:-



(Order of the Court was made by M.M.SUNDRESH, J.)

Notice returnable in three weeks. Private Notice is also permitted.

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There shall be an order of *status quo* as on today.

Post the matter on 15.04.2020.

-sd/-  
23/03/2020  
/ TRUE COPY /

Sub-Assistant Registrar ( Statistics / C.S. )  
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVT,  
UNION OF INDIA, MINISTRY OF FINANCE,  
DEPARTMENT OF FINANCIAL SERVICES,  
JEEVAN DEEP BUILDING, PARLIAMENT STREET,  
NEW DELHI-110 001

2 THE ADDL. SECRETARY AND DEVELOPMENT COMMISSIONER,  
MINISTRY OF MICRO, SMALL AND MEDIUM ENTERPRISES,  
UDYOG BHAWAN, RAFI MARG, NEW DELHI-110 011

3 THE CHIEF GENERAL MANAGER IN CHARGE,  
RESERVE BANK OF INDIA, DEPARTMENT OF REGULATION,  
12TH FLOOR, CENTRAL OFFICE BUILDING,  
SHAHID BHAGAT SINGH ROAD, MUMBAI-400 001

4 THE AUTHORISED OFFICER,  
KARUR VYSYA BANK LTD., DIVISIONAL OFFICER VILLUPURAM,  
D.NO.26, 1ST FLOOR, G.V. FARMS BUILDING,  
MAMPAZHAPATTU ROAD, VILLUPURAM -605 602

5 THE BRANCH MANAGER,  
KARUR VYSYA BANK LTD.,  
REDDIYARPALAYAM BRANCH, P.NOS.21 AND 22,  
VILLUPURAM ROAD, RASATHIAMMALA NAGAR,  
REDDIYARPALAYAM, PUDUCHERRY- 605 010

C.C. to M/S.T.M.NAVEEN Advocate S.R.4146

Order  
in  
WP No.7381 of 2020  
and WMP Nos.8827 to 8829 of 2020  
Date :23/03/2020

From 26.2.2001 the Registry is issuing certified  
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