

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

WEDNESDAY, THE SEVENTH DAY OF SEPTEMBER TWO THOUSAND AND
TWENTY TWO

**:PRESENT:
THE HONOURABLE SRI JUSTICE P NAVEEN RAO
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 35063 OF 2022

Between:

M/s. RKL Builders Private Limited, Plot No. 3/A/1 and Plot 3 /A/2 , IDA,
Cherlapally , TSIC, IALA, Cherlapally, Now Medhcal Malkajgiri District, TS
Represented by its Managing Director A.Rajendra Prasad

Petitioner

AND

1. Union of India, Ministry of Finance North Block, Central Secretariat New Delhi,
Rep by its Secretary
2. Reserve Bank of India, Saifabad, Hyderabad.500 004
3. Canara Bank (Erstwhile Syndicate Bank), Mid Corporate Branch D. No. 6-2-
983, 1st floor, Diamond Towers, Main Road, Khairatabad, Hyderabad - 500
004

Respondents

WHEREAS the Petitioner above named through its Advocate SRI V MURALI
MANOHAR presented this Petition under Article 226 of the Constitution of India
praying that in the circumstances stated in the affidavit filed therewith, the High Court
may be pleased to grant an order, direction or writ, more so in the nature of
mandamus,

a. Declaring the action of the Respondent Bank in not restructuring the
Petitioner's loan by giving the Petitioner the benefit of GECL/ECGL schemes for
covid-19 related stressed asset as per the RBI and MSME guidelines or process the
settlement of the Petitioner's loan account as per a Non-Discriminatory Non
Discretionary OTS Scheme as that of other Banks as illegal, arbitrary, highhanded in
violation of the rights guaranteed under Article 14 of the Constitution of India

b. Declare the proceeding dt.02/08/2022 (emailed on 08/08/2022) whereby
the OTS proposal dt.04/06/2022,13/06/2022,25/06/2022 and 30/06/2022 has been
rejected and asked to be improved without assigning any reasons, without due
consideration of the Bank's own internal guidelines, the RBI guidelines to implement
a non discriminatory and non-discretionary OTS scheme, as illegal arbitrary,
highhanded in violation of Article 14 and 21 of the Constitution of India,

c. Declare the action of the Respondent Bank in declaring the Petitioner's
account as NPA on 01/03/2021 and taking coercive steps under the provisions of

SARFAESI Act, including Sale Notice dt.06/08/2022 fixing the date of auction on 09/09/2022 as illegal, violative of the intention of the Legislature in enacting the provisions of SARFAESI, in violation of the provisions of SARFAESI Act, in violation of and Security Interest Enforcement Rules in violation of RBI Guidelines for MSME for restructure, rehabilitation and implementation of Corrective Action Plans, in violation of the RBI guidelines for settlement and resolution of MSME Loans, in violation of Article 14 and 21 of the Constitution of India,

d. with a consequential prayer to set aside the Respondent No.3 bank's letter dt.02-08-2022 and Sale Notice dt.06-08-2022 and direct the Respondent No.3 bank to apply the guidelines of RBI in the matter of settlement of loan of the Petitioner through One Time Settlement, or in the alternative direct the Respondent Bank to restructure the Petitioner's loan account as per the RBI Guidelines and Banks internal policies;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri V MURALI MANOHAR, Advocate for the Petitioner, directed issue of notice to the Respondents herein returnable by 18-10-2022 to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Secretary, Union of India, Ministry of Finance North Block, Central Secretariat New Delhi
2. Reserve Bank of India, Saifabad, Hyderabad-500 004
3. Canara Bank (Erstwhile Syndicate Bank), Mid Corporate Branch D. No. 6-2-983, 1st floor, Diamond Towers, Main Road, Khairatabad, Hyderabad - 500 004

are directed to show cause on or before 18-10-2022 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

The Court made the following:

ORDER:

Notice before admission returnable by 18-10-2022.

List on 18-10-2022 along with W.P.No.31408 of 2022.

//TRUE COPY//

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Finance North Block, Central Secretariat New Delhi
2. Reserve Bank of India, Saifabad, Hyderabad-500 004

3. Canara Bank (Erstwhile Syndicate Bank), Mid Corporate Branch D. No. 6-2-983, 1st floor, Diamond Towers, Main Road, Khairatabad, Hyderabad - 500 004 (1 to 3 by RPAD- along with a copy of petition and affidavit)
4. One CC to SRI V MURALI MANOHAR Advocate [OPUC]
5. Two spare copies

mvj

HIGH COURT

PNRJ & JSRJ

DATED:07/09/2022

List on 18-10-2022 along with W.P.No.31408 of 2022

NOTICE BEFORE ADMISSION

WP.No.35063 of 2022

