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Anilkumar Ev vs Idbi Bank Limited Rep by Assistant General Manager/Authorized Officer

Anilkumar Ev vs Idbi Bank Limited Rep by Assistant General Manager/Authorized Officer

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Court : Kerala

Decided On : Jun-27-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/1210/2022

Appellant : Anilkumar Ev

Respondent : Idbi Bank Limited Rep by Assistant General Manager/Authorized Officer

Judgement :

W.P(C).1210/22 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 27TH DAY OF JUNE 2022 / 6TH ASHADHA, 1944
WP(C) NO. 1210 OF 2022 PETITIONER/S: E.V.ANILKUMAR AGED 44
YEARS, S/O.LATE VELAYUDHAN ENCHIKANDATHIL HOUSE
MEMADANGU PO, ARIKKUZHA, MUVATTUPUZHA ERNAKULAM, PIN
- 686672 BY ADVS. C.R.SIVAKUMAR MINI.M.NAIR BINI.K
RESPONDENT/S: 1 IDBI BANK LIMITED REP BY ASSISTANT

GENERAL MANAGER/AUTHORIZED OFFICER ADJACENT TO MOLAN'S SUPER MARKET PULINATTU PROPERTIES, THANKALAM, KOTHAMANGALAM, PIN- 2 THE GENERAL MANAGER IDBI BANK LIMITED SHIHAB THANGAL ROAD, PANAMPILLY NAGAR, KOCHI, KERALA ERNAKULAM, PIN - 682036 3 THE CHAIRMAN & MANAGING DIRECTOR IDBI BANK LIMITED IDBI TOWER, WTC COMPLEX, CUFFE PARADE, COLABA, MUMBAI, PIN - 400005 BY ADV K.P.SUJESH KUMAR THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P(C).1210/22 2

JUDGMENT

When this writ petition is taken up for consideration today, it is submitted by the learned counsel for the petitioner that even the latest proposal submitted by the petitioner has been rejected by the respondent bank and prays that he may be given an opportunity to move the Debts Recovery Tribunal against the securitisation proceedings initiated by the bank, leaving open all contentions of the petitioner.

2. Taking note of the above submission it is directed that if the

petitioner files a securitisation application within a period of one month from today, the period during which this writ petition was pending before this Court, namely from 12.01.2022 till today (27.6.2022), shall stand excluded for the purposes of limitation. The writ petition is disposed of as above. Sd/- GOPINATH P. JUDGE okb/27.6.22 //True copy// P.S. to Judge W.P(C).1210/22 3 APPENDIX OF WP(C) 1210/2022 PETITIONER EXHIBITS Exhibit1 THE TRUE COPY OF THE COMMUNICATION ISSUE TO THE PETITIONER FROM 1ST RESPONDENT DATED Exhibit2 THE TRUE COPY OF THE REGISTERED LETTER WITH ACKNOWLEDGEMENT DATED 29/09/2021 Exhibit3 THE TRUE COPY OF THE MC NO 267/2021 Exhibit4 THE TRUE COPY OF THE NOTICE ISSUED BY THE ADVOCATE COMMISSIONER DATED 15/12/2021 Exhibit5 THE TRUE COPY OF THE UNNUMBERED CAVEAT FILED BY THE 1ST RESPONDENT Exhibit6 THE TRUE COPY OF THE ONE TIME SETTLEMENT POLICY 2020 Exhibit7 THE

TRUE COPY OF THE PETITIONER'S REQUEST FOR OTS FACILITY DATED 17/12/2021 RESPONDENT ANNEXURES R1(a) True copy of the Mahazar prepared by the advocate commissioner in MC No.267/2021 on R1(b) True copy of the FIR in Crime No.66/2022 of Vazhakkulam Police Station, dated 19/01/2022

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