

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**Present:**

**THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR**

**&**

**THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR**

**&**

**THE HONOURABLE MR. JUSTICE SHAJI P.CHALY**

**Monday, the 7th day of September 2020/16th Bhadra, 1942**

**WP(C) No.9400/2020(S)**

**THE COURT ON ITS OWN MOTION:  
SUO MOTU PROCEEDINGS- COVID -19-PANDEMIC.**

**RESPONDENTS**

**THE STATE OF KERALA,  
REPRESENTED BY ITS CHIEF SECRETARY,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

**This Suo motu writ petition again coming on for orders upon perusing the petition and this Court's order dated 03/08/2020 and upon hearing the arguments of SRI.P. VIJAYAKUMAR, ASSISTANT SOLICITOR GENERAL OF INDIA, SRI.RANJITH THAMPAN, ADDL. ADVOCATE GENERAL & SRI.SUMAN CHAKRAVARTHY, SENIOR GOVERNMENT PLEADER, SRI.E.K. NANDAKUMAR (SENIOR ADVOCATE) AND SRI. JAWAHAR JOSE, the court passed the following:**

**P.T.O.**

S. MANIKUMAR, CJ,  
C.T. RAVIKUMAR, J.  
&  
SHAJI P. CHALY, J.

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W.P (C) No. 9400 of 2020 (Suo Motu)

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Dated this the 7<sup>th</sup> day of September, 2020

ORDER

S. Manikumar, CJ.

Based on Reserve Bank of India guidelines, financial institutions have approached this Court for granting permission to continue the recovery proceedings already initiated. On 3.8.2020, we directed the State and Central Governments to respond to the above.

2. On this day, attention of this Court has been invited to the recent order of the Hon'ble Supreme Court, where interest issue was the primary consideration besides initiation of action of recovery on accounts which have been closed as NPA, prior to declaration of lock down. We are further informed that Hon'ble Supreme Court has adjourned the matter by two weeks. However, we do not have the benefit of a copy of the recent order of Hon'ble Supreme Court.

3. Though Mr.E.K. Nandakumar, learned senior counsel and Mr. Jawahar Jose, learned counsel appearing for the Banks have filed interlocutory applications for directions (I.A. No.2/2020 and I.A. No.4/2020) and submitted that inasmuch as loan accounts, which have

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already been declared as NPA prior to the declaration of lock down, banks be permitted to proceed further, we direct the Central Government to file appropriate response on the subsequent events in the Hon'ble Supreme Court and also to submit as to whether guidelines have been issued as per the order of the Supreme Court on 20.3.2020 in Special Leave Petition (Civil) Diary No.10669/2020.

4. In the light of the above, we are of the view that the request of the banks can be considered after the orders of the Hon'ble Supreme Court.

Interim order dated 25.3.2020 shall continue. Post on 23.9.2020.

Sd/-

**S. MANIKUMAR,  
CHIEF JUSTICE**

Sd/-

**C. T. RAVIKUMAR, JUDGE**

Sd/-

**SHAJI . P . CHALY, JUDGE**

-TRUE COPY-

*Jayalitha*  
9.9.2020  
ASSISTANT REGISTRAR

*24*  
9.9.2020

*B*  
9/9/20  
SOU.