

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-01-2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND

THE HON'BLE MR.JUSTICE M.VENUGOPAL

Writ Petition Nos.1320 and 1321 of 2015
M.P.No.1 and 2 of 2015

in

W.P.No.1320/15 and
M.P.No.1/2015 in W.P.NO.1321 of 2015

- 1 M/s.JCBL Marrel Tippers Pvt.
Ltd. Through its Director Sandip
Chakroborty P.No.B-7/1 SIPCOT Industrial
Park Village Vaipur A Sriperumpudur Tk.
Kancheepuram Dt. Petitioner in both the WPs
- Vs.
- 1 The Authorized Officer
Punjab National Bank Large Corporate
Branch Sector 17-B Chandigarh
- 2 The Registrar
Debts Recovery Tribunal III
Chennai Respondents in both the WPs

Petitions filed under Article 226 of the Constitution of India praying for a writ of Certiorarified mandamus (i) to call for the records pertaining to the proceedings dated 8.1.2015 in S.A.No.214/2014 on the file of the 2nd respondent quash the same and consequently direct the 1st respondent to restore the interim order granted on 8.5.2014 extend the same until the S.A.No.214/2014 pending on its file reaches its finality and (ii) to call for the records pertaining to the proceedings dated 8.1.2015 in S.A.No.66/2014 on the file of the 2nd respondent quash the same and consequently direct the 1st respondent to restore the interim order granted on 7.2.2014 extend the same until the S.A.No.66/2014 pending on its file reaches its finality.

For petitioner Mr. AR.L. Sundaresan, SC for

in both the WPs M/s.R. Nagasundaram
S.M. Latha Maheswari

COMMON ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The learned counsel for the petitioner submitted that the interim relief granted by the Debts Recovery Tribunal-III, (for short "the Tribunal") earlier, on 08-05-2014 and 07-02-2014, respectively, to the effect that physical possession cannot be taken, was extended time and again on all the dates of hearing of the proceedings. However, without assigning any reason, while passing the order on 08-01-2015, the interim relief so granted was not further extended. Thus, the petitioner be protected and the interim relief granted earlier by the Tribunal be extended till the disposal of the appeal before the Tribunal.

2. On a perusal of the impugned order, we find that though the interim order was not extended, however, the interim order was also not vacated. Thus, it is not clear as to what is the effect of the order dated 08.01.2015. In view of that, the petitioner is permitted to file an application for clarification before the Tribunal, on or before 03-02-2015.

3. If the said application is filed, the Tribunal is directed to consider the same in accordance with law and on its own merits within a period of two weeks from today. In the meantime, the interim order granted earlier by the Tribunal will continue till the proposed application for clarification is taken up by the Tribunal for hearing.

4. The writ petitions are disposed of accordingly. No costs. The connected miscellaneous petitions, M.P.Nos.1 and 2 of 2015 are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

glp

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To

1. The Registrar
Debts Recovery Tribunal III Chennai

2. The Authorized Officer
Punjab National Bank
Large Corporate Branch
Sector 17-B Chandigarh

1 cc to Mr.R. Nagasundaram, Advocate Sr. 4551

Writ Petition Nos.1320 and 1321 of 2015

VD (CO)
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