

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.17453 of 2016
and WMP.No.14926 of 2016

M/s.Arunachala Agro Products (P) Ltd.,
Rep. By its Managing Director
V.Vediappan, Kavandanoor Village & Post
Mathur, Krishnagiri District. ...Petitioner

Vs.

1.The Debt Recovery Tribunal-III
No.770A, Anna Salai
Chennai-600 002

2.State Bank of India
Stressed Assets Recovery Branch
Red Cross Buildings
Old.No.50, New No.32, Montieth Road
Egmore, Chennai-8

...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent herein to dispose of the petitioner's application in I.A.No.1564 of 2015 in O.A.No.262 of 2015 prior to proceed with the main O.A.No.262 of 2015 pending on his file.

For Petitioner : Mr.G.Jeremaih

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Heard the learned counsel representing the petitioner. Considering the nature of prayer sought for in this writ petition, notice to respondents 1 and 2 is dispensed with.

2. The 2nd respondent herein-State Bank of India filed O.A.No.262 of 2015 before the Debts Recovery Tribunal-III for recovery of debts due to it from the petitioner herein who failed to repay the due amount under the Term Loan and Cash Credit Facility.

3. According to the Writ Petitioner, they could not file the reply statement in the above O.A., since the account books and connected records were with the Auditor and hence sought time before the Debts Recovery Tribunal for filing reply statement. However, time sought for was not granted and for non-filing of reply statement in the above O.A., the Debts Recovery Tribunal-III, passed the exparte order on 30.10.2015. Aggrieved by the same, the Writ Petitioner is before this court seeking a direction to the 1st respondent-DRT-III, to dispose of the application in I.A.No.1564 of 2015 in O.A.No.262 of 2015.

4. Considering the facts and circumstances of the case, the Writ Petitioner herein viz., the Managing Director of M/s.Arunachala Agro Products (P) Ltd., is directed to appear before Debts Recovery Tribunal-III, Chennai-2, on 15th June 2016 along with a copy of this order and shall also file Reply Statement in O.A.No.262 of 2015. On such filing of the reply statement by the petitioner, the Debts Recovery Tribunal-III shall consider I.A.No.1564 of 2015 in O.A.No.262 of 2015 filed by the petitioner on 20.11.2015, by showing leniency in the matter and by taking the reply statement on its file and pass appropriate orders in accordance with law.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected WMP is closed.

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s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1.The Debt Recovery Tribunal-III
No.770A, Anna Salai, Chennai-600 002

2.State Bank of India, Stressed Assets Recovery Branch
Red Cross Buildings,Old.No.50, New No.32, Montieth Road
Egmore, Chennai-8.

+1 cc to Mr.G.Jeremiah Advocate sr.29211

+1 cc to Government pleader sr.29128

W.P.No.17453 of 2016

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