

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2017

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The Honourable **Mr.Justice HULUVADI G.RAMESH,**

and

The Honourable **Dr.Justice S.VIMALA**

W.P.NO.6093 OF 2017

M/s. Maruthi Paper Converters,
No.32, Badrian Street,
Chennai-600 001 rep. by its
Partenr Mr.Thirumalai

.. Petitioner

versus

1. The Authorized Officer,
Standard Chartered Bank,
No.58, Armenian Street,
Chennai-600 001.

2. Mr.P.Raja

3. Mrs.R.Selva Asiad

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records pertaining to the order dated 17.2.2017 in AIR (SA) No.445 of 2016 passed by the DRAT, Chennai and quash the same as illegal and arbitrary.

For Petitioner : Mr.S.Sethuraman
For Respondents: Mr.V.Jayachandran for
M/s.V.Jayachandran Associates-R1

ORDER

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

This Writ Petition has been filed, praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the order dated 17.2.2017 in AIR (SA) No.445 of 2016 passed by the Debts Recovery Appellate Tribunal (in short, DRAT'), Chennai and quash the same as illegal and arbitrary.

2. It appears that aggrieved by the order dated 22.9.2016 passed by the Debts Recovery Tribunal II, Chennai, the petitioner has preferred an appeal before the DRAT, Chennai along with waiver application, seeking to waive pre-deposit under Section 18 of the SARFAESI Act on the ground that already substantial amount has been paid. However, the DRAT insisted upon payment of Rs.66 lakhs as a condition precedent to entertain the appeal while observing that any payment made by other than the appellant in separate proceedings should not be treated as pre-deposit in this case where the borrower is challenging a separate

order of DRT dismissing the application as different event.

3. The learned counsel appearing for the petitioner would submit that already substantial amount has been paid by making payment of Rs.2.63 crores. This is disputed by the learned counsel appearing for the bank and submitted that it was only 1.30 crores received by the bank so far. Since the learned counsel for the bank disputed the quantum of payment made by the petitioner, we direct the petitioner to deposit a sum of Rs.15 lakhs (Rupees Fifteen lakhs only) before the DRAT within a period of two weeks from the date of receipt of a copy of this order. On depositing such amount, the DRAT is directed to entertain the appeal and adjudicate the matter in accordance with law.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

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(H.G.R.,J.) (S.V.,J.)
21.04.2017

To

1. The Authorized Officer,
Standard Chartered Bank,
No.58, Armenian Street,
Chennai-600 001.
2. The Debts Recovery Appellate Tribunal,
Chennai

HULUVADI G.RAMESH, J.
and
DR.S.VIMALA, J.
suk

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