

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.Nos.8818 to 8823 of 2017 and
W.M.P.Nos.9671 to 9676 of 2017

1.E.Anandhan

2.A.Latha

... Petitioners in all W.Ps

Vs.

1. The Secretary to Government
Commercial and Taxes Registration (G) Department,
Fort St.George, Chennai - 9.

2. The Arbitrator,
Chennai Central Chit Fund Cases Tribunal,
Chennai - 1.

3. M/s.Arjun Amaravathi Chits Pvt Ltd.,
No.30, Katchery Road,
Mylapore, Chennai,
rep by its Manager.

4. Ramasamy

... Respondents in all W.Ps

Petitions filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the 1st respondent pertaining to his proceedings in G.O.D.(No).484 dated 28.12.2016; G.O.D.(No).481 dated 27.12.2016; G.O.D.(No).482 dated 28.12.2016; G.O.D.(No).486 dated 28.12.2016; G.O.D.(No).485 dated 28.12.2016 and G.O.D.(No).483 dated 28.12.2016 and quash the same and consequentially allow the unnumbered applications of the petitioners to condone the delay of 2304 days in filing the appeal and consequently direct the 2nd respondent to reopen the ARC Nos.1596, 1597, 1600, 1598, 1601 and 1599 of 2005 to be heard on its merits.

For Petitioners in all W.Ps : Mr.R.Sivakumar

For Respondents in all W.Ps : Mr.A.N.Thambidurai,

Special Government Pleader (R1)

C O M M O N O R D E R

The petitioners have filed the above Writ Petitions to issue a writ of certiorarified mandamus to call for the records of the 1st respondent pertaining to his proceedings dated 27.12.2016 and 28.12.2016 and quash the same and consequently allow the unnumbered applications of the petitioners to condone the delay

of 2304 days in filing the appeals and consequently direct the 2nd respondent to reopen the ARC Nos.1596, 1597, 1600, 1598, 1601 and 1599 of 2005 to be heard on its merits.

2.Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the 1st respondent.

3.It cannot be disputed that as per Section 70 of the Chit Funds Act, 1982 any party aggrieved by any order or award passed by the Registrar or the nominee under Section 69, may, within two months from the date of the order or award, appeal to the Government.

4.In the case on hand, the Arbitrator of Chits, Central Chennai passed Awards on 31.05.2010 under Section 70 of the Chit Funds Act. The petitioners, after a lapse of 2304 days, filed appeals before the 1st respondent stating that the petitioners were unnecessarily clubbed in the dispute between the respondents 2 & 3 and that their documents were put to misuse. Further, the petitioners have stated that the 2nd respondent, during the compromise meeting held on 01.08.2015 and also during the meetings held between themselves after the impugned awards, have not taken immediate steps to challenge the impugned awards. Except stating so in the affidavit, the petitioners have not explained the reasons for the delay in a proper manner.

5.It is settled position that unless a party seeking for condonation of the delay gives sufficient cause for condoning the delay, the delay should not be condoned. In the case on hand, the petitioners have not stated any acceptable reason for condoning the inordinate delay of 2304 days (6 years 2 months 24 days). In the absence of any acceptable reason given by the petitioners, the 1st respondent has rightly dismissed the petitions.

6.The ratio laid down by the Hon'ble Supreme Court in (2015) 1 Supreme Court Cases 680 [H.Dohil Constructions Company Private Limited Vs. Nahar Exports Limited and another] squarely applies to the facts and circumstances of the present case.

7.In these circumstances, the Writ Petitions are devoid of merits and the same are liable to be dismissed. Accordingly, all the Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government
Commercial and Taxes Registration (G) Department,
Fort St.George, Chennai - 9.
2. The Arbitrator,
Chennai Central Chit Fund Cases Tribunal,
Chennai - 1.

+1 CC to The Govt. Pleader sr 22802

+1 CC to Mr. B. Sivakumar, Advocate sr 22918

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