

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE Dr.JUSTICE S.VIMALA

W.P.No.8985 of 2017
and
W.M.P.No.9896 of 2017

M/s.Agnite Education Ltd
Rep. by its Managing Director,
No.2AB Gee Gee Emerald
141 Village Road Nungambakkam
Now at
37/1 Teledata Tower
Velachery Tambaram Main Road
Velachery Chennai-600 042

Petitioner

Versus

- 1 State Bank of India
Singapore Branch
No.135 Cecil Street
#01-00 Singapore-069 536
- 2 State Bank of India
Stressed Assets Management Branch
No.32 Montieth Road
Red Cross Buildings
Egmore Chennai-600 008
- 3 Baytech Inc
Mill Mall Suite-6 Wickhams Cay
PO Box 3085 Road Town
Tortola, British Virgin Islands
(3rd Respondent given up)

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari Calling for records related to order dated 5.12.2016 in M.A. No.131/2015 passed by Debt Recovery Appellate Tribunal at Chennai and quash the same.

For petitioner : Mr.H.Karthik Seshadri

ORDER

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

Heard the learned counsel appearing for the petitioner for some time.

2. The writ petition has been filed seeking issuance of a writ of certiorari Calling for records related to order dated 5.12.2016 in M.A. No.131/2015 passed by Debt Recovery Appellate Tribunal at Chennai and quash the same.

3. It appears that the respondent-bank had initiated proceedings before the Debts Recovery Tribunal for recovery of money lent to the petitioner herein and at the stage of completion of hearing, the petitioner herein had sought for cross-examination of the bank official which was allowed by the DRT. This order was reversed by the Debts Recovery Appellate Tribunal in the appeal filed by the respondent-bank. Challenging the same, the present writ petition has been filed.

4. According to the petitioner, the cross-examination of the bank official is only to ensure that disputed facts are adjudicated completely and the DRAT has not given proper reasons for reversing the order of the DRT allowing the cross-examination.

5. Be that as it may, the petitioner seeks an opportunity for cross-examining the bank official which was considered and allowed by the DRT. Considering the facts and circumstances of the case, we are of the view that for compliance of natural justice, the matter can be disposed of by dispensing with notice to the other side and an opportunity has to be afforded to the petitioner. Accordingly, the impugned order passed by the DRAT is set aside. The DRT is directed to allow the petitioner herein to cross-examine the bank official either on 26.4.2017 or on a subsequent date to be fixed by the DRT and do the needful as indicated above.

6. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

-sd-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

To:

1 State Bank of India
Singapore Branch
No.135 Cecil Street
#01-00 Singapore-069 536

2 State Bank of India
Stressed Assets Management Branch
No.32 Montieth Road
Red Cross Buildings
Egmore Chennai-600 008

copy to

1. The Debt Recovery Appellate Tribunal, Chennai
2. The Debt Recovery Appellate Tribunal-II, Chennai

+1cc to Mr. H. KARTHIK SESHADRI Sr.No. 22400/17

W.P.No.8985 of 2017

VGI (CO)

TA 12/05/2017



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