

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S. MANIKUMAR
and
THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

Writ Petition No.20997 of 2017

W.M.P.No.21885 of 2017

- 
1. Venna Textiles Ltd.,
Rep., by its Managing Director,
K.S.Elavarashen
2. K.S.Elavarashen ... petitioners
- v.
1. IFCI Ltd.,
Rep., by its Deputy General Manager,
No.147, Nungambakkam High Road,
Chennai 600 034.
2. ICICI Bank Ltd.,
Rep., by its Manager, सत्यमेव जयते
Bandra Kurla Complex,
Bandra East, Mumbai.
3. State Bank of India,
Rep., by its Manager,
342, Mettur Road,
Bhavani,
Periyar District 638 302. ... Respondents.
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Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records, in order, dated 12.07.2017 in AIR.No.455 of 2016 (I.A.No.465 of 2017 in O.A.No.165/2015, on the file of the DRT-II, Chennai) passed by Debt Recovery Appellate Tribunal, at Chennai and quash the same.

For petitioners : Mr.R.Sankaranarayanan,
Senior Counsel for Mr.N.P.Vijay Kumar

For 1st Respondent: Mr.F.B.Benjamin George

ORDER

(Order of the Court was made by S. MANIKUMAR, J.)

Challenge in this writ petition, is to an order, dated 12.07.2017, by which, the Debt Recovery Appellate Tribunal, Chennai, dismissing A.I.R.No.455 of 2016, for want of appearance and compliance of the defects noticed by the Registry.

2. Short facts leading to the appeal are that an Original Application has been filed by Industrial Investment Bank of India Limited (hereinafter referred to as "IIBI") for recovery of Rs.1,99,77,619/- from the petitioners, on the ground that debt was assigned to the 1st

respondent-IFCI Ltd., by deed of assignment, dated 26.05.2011. The said deed was challenged by the petitioners in S.A.No.114 of 2012, on the file of DRT-I, Chennai. Arguments were concluded on 29.09.2012. Exactly one week after reserving the case for orders, a second deed of assignment, referring to earlier deed of assignment, was executed by IIBI in favor of the 1st respondent herein, and that the same was registered. Therefore, the petitioners have filed W.P.No.8761 of 2014, challenging the deed of assignment, dated 26.05.2011 and this Court, vide order, dated 01.08.2014, held that deed of assignment, dated 26.05.2011, as invalid, on the ground that the assignment deed is not a registered document. Since there was another assignment deed executed on 04.10.2012, this Court observed as follows:

“1st Respondent could proceed under the assignment deed dated 04.10.2012 in accordance with law and on such initiation of proceedings, the petitioners are entitled to canvass their contentions in accordance with law. Since we have set aside the impugned proceedings, the petitioners are entitled for the re-delivery of possession, as the possession was admittedly taken in pursuant to the impugned proceedings. Such re-delivery shall be made within a period of 2 days from the date of the receipt of copy of this order.”

3. Thereafter, the 1st respondent issued a notice under Section 13(4) of SARFAESI Act, on 11.11.2014 and the said notice was challenged in S.A.No.358 of 2014, before DRT, Madurai, on the ground that assignment deed, dated 04.10.2012, based on which, the 1st respondent claims right, is invalid and not in accordance with law. After hearing the petitioners, the DRT, Madurai, has granted a conditional order of stay, in respect of possession notice issued under Section 13(4) of SARFAESI Act and directed the petitioners therein to deposit Rs.45,00,000/-, with the 1st respondent. The said order has been complied with. However, according to the petitioners, the issue, as to whether, the 1st respondent has rightfully stepped into the shoes of IIBI, remains an issue to be decided in S.A.No.358 of 2014, on the file of Debt Recovery Tribunal, Madurai.

4. In the meanwhile, the 1st respondent has filed I.A No. 467 of 2015 in O.A.No.165 of 2015, before the DRT-II, seeking for substitution in place of IIBI, on the basis of deed of Assignment, dated 04.10.2012. Plea has been objected. But the application was allowed on 06.09.2016, without reference to the objections raised by the petitioners, in their

counter statement. According to the petitioners, the learned counsel for both sides, sought for adjournment, as the learned Senior Counsel were unavailable, on the said day, due to personal inconvenience. However, an order came be to be passed on 06.09.2016, which is as follows:-

"Heard both side arguments. The SARFAESI Act gives right to the banks to assign the debt in favor of the asset reconstruction company. The present petitioners is an Asset Reconstruction Company. On perusal of assignment deed, the applicant bank has assigned debt to petitioners under section 5 of the SARFAESI Act. Therefore the assignment deed is valid in law. The respondent cannot question about the assignment. Therefore I find that 'this petition has to be allowed.

In the result, I.A. No. 467/2015 is allowed. No costs."

5. The petitioners have challenged the order, dated 06.09.2016, before the Debt Recovery Appellate Tribunal, Chennai, with a delay of 15 days. According to the petitioners, appeal papers were returned for compliance on 03.11.2016. The same were represented on 16.11.2016 and it was again returned and represented on 05.06.2017. Further compliance was pointed out by the Registry of DRAT, Chennai

and papers were represented on 07.06.2017. Suddenly, without any notice, the said appeal was listed on 12.07.2017 and dismissed for want of appearance of the learned counsel for petitioners. Neither the petitioners nor their counsel were given any notice, about the said hearing. Said order is challenged in this writ petition.

6. Mr.R.Shankaranarayanan, learned Senior Counsel for the petitioners submitted that the impugned order is in violation of principles of natural justice, as no opportunity of being heard was given to the petitioners. After the dismissal of appeal, on account of nonappearance, appeal paper book was returned by the registry, without any endorsement or reason for such return. Inviting the attention of this Court to the list of cases posted before DRAT, Chennai, on 12.07.2017, he submitted that on the said date, DRAT, Chennai, listed numerous matters and disposed of the same, mechanically, for non-appearance of the counsel for the petitioners/appellants.

7. Learned Senior Counsel for the petitioners further submitted that DRT-II is proceeding with the Original Application, without taking

into account that, the issue of assignment deed, dated 04.10.2012, is in dispute, before DRT, Madurai in S.A.No.358 of 2014. The issue, as to whether, the 1st respondent is entitled for substitution, is the dispute, and that the same is pending.

8. He further submitted that on opportunity of being heard, ought to have given, when the petitioners have already deposited a sum of Rs.45,00,000/-, in S.A.No.358 of 2014, as directed by DRT-Madurai. He also made submissions on the merits of the case that if the 1st respondent is allowed to be substituted, based on the assignment deed, dated 04.10.2012, which is the subject matter of challenge in DRT, Madurai, the petitioners would suffer irreparable loss and at the same time, no prejudice would be caused to the 1st respondent, when there is already a deposit.

9. By producing the paper book, filed along with the grounds of appeal, before the DRAT, Chennai, in AIR.No.455 of 2015, learned Senior Counsel for the petitioners submitted that the Registry of DRAT, Chennai, has returned the appeal papers on 03.11.2016 to comply with

15 defects/deficiencies, by 16.11.2016. On 16.11.2016, on the request made by the learned counsel appearing for the petitioner, time was extended upto 23.11.2016. According to him, defects noticed were complied and papers were represented on 07.06.2017.

10. Inviting the attention of this Court to the procedure contemplated, under Rule 6 of the Debts Recovery Appellate Tribunal (Procedure) Rules, 1994, regarding presentation and scrutiny of memorandum of appeal, learned Senior Counsel appearing for the petitioners submitted that as per Rule (3) of the said Rules, if an appeal on scrutiny is found to be defective and the defect noticed is formal in nature, the Registry may allow the appellant to rectify the same, in his presence and if the said defect is not formal in nature, the Registrar may allow the appellant such time to rectify the defect as he may deem fit. According to him, the abovesaid procedure was duly followed.

11. Drawing the attention of this Court to sub-Rule (4) of Rule (6) of the abovesaid Rules, learned Senior Counsel appearing for the petitioners further submitted that if the appellant fails to rectify the

defect within the time allowed in sub-Rule (3) of the said Rules, the Registrar may by order and for reasons to be recorded in writing, decline to register such memorandum of appeal. As per sub-Rule (5) of Rule 6, an appeal against the order of the Registrar under sub-Rule (4), shall be made within fifteen days of making of such order to the Presiding Officer concerned in his chamber, whose decision thereon, shall be final.

12. Inviting the attention of this Court to the record of proceedings of the DRAT, Chennai, on 12.07.2017, learned Senior Counsel appearing for the petitioners submitted that instead of following the procedure, contemplated under Rule 6 of the abovesaid Rules, 1994, DRAT, Chennai, has adopted a different procedure, by listing several cases, returned for compliance of the office objections and not represented/complied before the Tribunal and *en bloc* dismissed the cases/appeals for non-compliance. According to him, on 12.07.2017, about 146 cases were taken up and wherever, there was no appearance, the said appeals were dismissed.

13. Learned Senior Counsel appearing for the petitioners submitted that 146 cases listed before the DRAT, Chennai, on 12.07.2017, are AIRs of the year 2016, filed before the said Tribunal and pending, due to non-compliance of the objections of the Registry and not represented/complied and all the cases were en bloc placed before the Hon'ble Chairperson, DRAT, Chennai, for orders. He also submitted that in two of the AIRs, filed by IOB v. M/s.Sakthi Industries in A.I.R.Nos.191 and 192 of 2016, Mr.Benjamin George was the learned counsel for the appellants therein, included at Sl.Nos.48 and 49 in the abovesaid list, and that the same were also dismissed for want of compliance.

14. On merits, learned Senior Counsel for the petitioner reiterated that deed of assignment, dated 26.05.2011, said to have been by IIBI Bank to and in favour of the IFCI Ltd., has already been held as invalid in the eye of law, by a Hon'ble Division Bench of this Court in W.P.No.8761 of 2014, dated 05.08.2014. Therefore, the petitioners have arguable points in the appeal, which has been now dismissed. Thus, he submitted that the proceedings, dated 12.07.2013 of the DRAT, Chennai, dismissing AIR.No.455 of 2016, is contrary to the Debts Recovery

Appellate Tribunal (Procedure) Rules, 1994 and therefore, the same requires to be set aside.

15. Per contra, Mr.F.B.Benjamin George, learned counsel for the 1st respondent acknowledged the submission of the learned counsel for the petitioners, regarding the procedure followed by DRAT, Chennai and listing of AIRs., filed in the year 2016 and en bloc dismissing the same, for want of appearance. However, he disputed the representation of paper book in AIR.No.455 of 2016 and submitted that the petitioners could have appeared before DRAT and sought for time, as done by few appellants therein. Except the above, no other serious objections have been made.

Heard the learned counsel for the parties and perused the materials available on record.

16. Fact that the appeals filed in DRAT, Chennai, in the year 2016, pending due to non-compliance of Office Objections and not represented/complied with, have been *en bloc* placed before the Hon'ble Chairperson, DRAT, for orders, is admitted. As rightly pointed out

Sl.Nos.48 and 49 in the said list, ie., AIR.Nos.191 and 192 of 2016, filed by the Indian Overseas Bank against M/s.Sakthi Industries and others, have been represented by Mr.F.B.Benjamin George, learned counsel appearing before this Court, for the 1st respondent.

17. Along with the above AIRs., about 146 AIRs., have been *en bloc* taken up and wherever there was no appearance for the parties, DRAT, chennai, vide order, dated 12.07.2017, has dismissed AIRs. AIR.No.455 of 2016, filed by M/s.Veena Textiles Ltd., against M/s.IFCI Bank Ltd., and others, is at Sl.No.116 in the said list, represented by Mr.R.Shankaranarayanan, learned counsel appearing for the appellant therein. As there was no appearance, the said AIR stood dismissed for want of appearance and compliance.

18. In exercise of the powers conferred by sub-section (1) and (2) of section 36 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993), the Central Government have made the rules called, "Debts Recovery Appellate Tribunal (Procedure) Rules, 1994". Rule 6 of the abovesaid Rules, deals with presentation and

scrutiny of memorandum of appeal and the said rule is extracted hereunder:

"Presentation and scrutiny of memorandum of appeal:-

(1) The Registrar shall endorse on every appeal the date on which it is presented under rule 5 or deemed to have been presented under that rule and shall sign endorsement.

(2) If, on scrutiny, the appeal is found to be in order, it shall be duly registered and given a serial number.

(3) If an appeal on scrutiny is found to be defective and the defect noticed is formal in nature, the Registrar may allow the appellant to rectify the same in his presence and if the said defect is not formal in nature, the Registrar, may allow the appellant such time to rectify the defect as he may deem fit.

(4) If the concerned appellant fails to rectify the defect within the time allowed in sub-rule (3), the Registrar may by order and for reasons to be recorded in writing, decline to register such memorandum of appeal.

(5) An appeal against the order of the Registrar under sub-rule (4) shall be made within fifteen days of making of such order to the Presiding Officer concerned in his chamber, whose decision thereon shall be final."

19. A bare reading of sub-Rule (2) of Rule 16, makes it clear that if, on scrutiny, the appeal is found to be in order, it shall be duly registered and given a serial number. Both the learned counsel appearing for the parties submitted that insofar as DRAT, Chennai, is concerned, when the appeals are presented, they are assigned a number, called as "Appeal Inward Register". Interim application filed for waiver of pre-deposit, is assigned as, "Miscellaneous Application No.".

20. As per sub-Rule (3) of Rule 6 of the abovesaid Rules, if an appeal on scrutiny is found to be defective and the defect noticed is formal in nature, the Registrar may allow the appellant to rectify the same in his presence and if the said defect is not formal in nature, the Registrar, may allow the appellant such time to rectify the defect as he may deem fit. In the case on hand, AIR has been filed against the order made in I.A.No.467 of 2015 in O.A.No.165 of 2015, on the file of the DRAT, Chennai. DRAT, Chennai, has assigned the number as, AIR.No.455 of 2016.

21. O.A.No.1023 of 1999, has been filed by M/s.IIBI Ltd., before the DRT-II, Chennai, to issue a Recovery Certificate against against the petitioners and others, for following reliefs,

"(a) Direct the defendants 1 to 3 to pay a jointly and severally a sum of Rs.1,99,77,619, as on 28.09.1999 together with interest at the rate of 16.5% per annum compounded quarterly from the date of this application till date of realization, in respect of Rupees Term Loan Advance.

(b) Directing the sale of the immovable mortgaged properties, morefully described in the Schedule "A" hereunder and appropriate the said proceeds as per the Ratio prescribed/pro rata basis among the Defendants 4 to 6 and the applicant to the extent of the amount stated in the Recovery Certificate, and

(c) Direct the sale of movable assets including the plant and machineries morefully described in Schedule "B" to this application and appropriate the said proceeds, among the Defendants 4, 5 and the Applicant herein and in the event of the sale proceeds being insufficient to adjust the amounts mentioned in the Recovery Certificate, the Hon'ble Tribunal may be pleased to direct the Defendants 2 and 3 to pay the balance personally.

(d) Directions for enquiry, investigation, examination, attachment and realization of the assets and properties of Defendants 1 to 3."

22. In the said Original Application, the 1st petitioner herein/1st defendant therein, has filed a reply. The 2nd petitioner/2nd defendant has also filed a counter affidavit. Subsequently, O.A.No.1023 of 1999, was transferred to the DRT-II, Chennai, and re-numbered as O.A.No.165 of 2015, in which, I.A.No.467 of 2015, has been filed, under Sections 19 and 25 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (In short, "RDBI Act), to substitute M/s.IFCI Ltd., Chennai, in the place of M/s.IIBI Ltd. On 06.09.2016, the DRT-II, Chennai, has passed the following orders,

"Heard both side arguments. The SARFAESI Act gives right to the banks to assign the debt in favour of the asset reconstruction company. The present petitioner is an Asset Reconstruction Company. On perusal of assignment deed, the applicant bank has assigned debt to the petitioner, under Section 5 of the SARFAESI Act. Therefore, the assignment deed is valid in law. The respondent cannot question about the assignment. Therefore, I find that this petition has to be allowed."

23. Being aggrieved by the same, the writ petitioners have filed an appeal before the DRAT, Chennai, in A.I.R.No.455 of 2016. Perusal of the paper book in A.I.R.No.455 of 2016, shows that the Scrutiny Clerk of the Registry, DRAT, Chennai, has returned the appeal papers in A.I.R.No.455 of 2016, stating that 15 defects/deficiencies have to be complied with, by 16.11.2016. Perusal of the same shows that on 16.11.2016, learned counsel for the appellants therein, has sought for extension of time and an endorsement has been made as, "time is extended upto 23.11.2016".

24. As per Sub-Rule (4) of Rule 6 of the Debts Recovery Appellate Tribunal (Procedure) Rules, 1994, if the concerned appellant fails to rectify the defect within the time allowed in sub-rule (3), the Registrar may by order and for reasons to be recorded in writing, decline to register such memorandum of appeal. In the case on hand, from the details of the proceedings before the Hon'ble Chairperson, DRAT, Chennai, on 12.07.2017, enlisting as many as 146 AIRs., of the year 2016, there is nothing on record to indicate that the Registrar of DRAT,

Chennai, who is enjoined with a duty to record an order, with reasons in writing, has declined to register such memorandum of appeal and on the contra, has en bloc listed all the AIRs., before the Hon'ble Presiding Officer, DRAT, Chennai. There is a failure on the part of the Registry of DRAT, to perform the duties, cast upon him, under sub-Rule (4) of Rule 6 of the abovesaid Rules.

25. Added further, if the Registry, for the reasons to be recorded in writing, had declined to register the Memorandum of Appeal, as per sub-Rule (5) of Rule 6, an appeal against the order of the Registrar, under sub-Rule (4) shall be made, within 15 days of making of such an order to the Hon'ble Presiding Officer concerned in his chamber, whose decision thereon shall be final. Thus, had the Registrar declined to register the memorandum of appeal, for reasons to be recorded in writing, the writ petitioners would have filed an appeal, under sub-Rule (5) of Rule 6, to the Hon'ble Presiding Officer concerned.

26. Unfortunately, the abovesaid procedure has not been followed, but AIRs., have been en bloc dismissed for non-appearance. At

this juncture, judicial notice can be taken that insofar as cases filed in this Court are concerned, no sooner the Registrar receives the papers, he would assign stamp register numbers, wherever Court fee is affixed and in cases, where court fee is not affixed, they are assigned unstamped register numbers. If there are any defects to be complied with, the same are returned. After sometime, wherever compliance is not made, the same would be posted before the concerned Court, dealing with the subject and in most of the cases, time would be granted for compliance, failing which, the papers would stand rejected for non-compliance.

27. Right of appeal is provided under Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993. As per Section 22 of the RDBI Act, the Tribunal and the Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and, subject to the other provisions of the Act and of any rules, the Tribunal and the Appellate Tribunal shall have powers to regulate their own procedure including the places at which they shall have their sittings.

28. We have already observed that in exercise of the powers under sub-Sections (1) and (2) of Section 36, the Central Government have made the rules called, "Debts Recovery Appellate Tribunal (Procedure) Rules, 1994". Therefore, DRAT, Chennai, ought to have followed the procedure. At this juncture, this Court deems it fit to consider few decisions,

(i) In ***T.Ramamoorthy v. The Secretary, Sri Ramakrishna Vidyalaya High School, etc. & Others*** reported in **1998 Writ. LR 641**, at Paragraph 6, held as follows:

"If the statutory provision enacted by the Legislature prescribed a particular mode for terminating the service or dismissing the teaching or a non-teaching staff of a school, it can and has to be done not only in that manner alone, but it cannot be done in any manner too. This principle that where a power is given to do a certain thing in a certain way, things must be done in that way and not otherwise and that the other method of performance is necessarily precluded, is not only well settled, but squarely applies to this case also in construing the scope of the power as also its

exercise by the management under Section 22 of the Act."

(ii) In *U.P. State Bridge Corpn. Ltd. v. U.P. Rajya Setu Nigam S. Karamchari Sangh*, [(2004) 4 SCC 268], the Hon'ble Supreme Court, at Paragraph 12, held as follows:

"12. Although these observations were made in the context of the jurisdiction of the civil court to entertain the proceedings relating to an industrial dispute and may not be read as a limitation on the Court's powers under Article 226, nevertheless it would need a very strong case indeed for the High Court to deviate from the principle that where a specific remedy is given by the statute, the person who insists upon such remedy can avail of the process as provided in that statute and in no other manner."

(iii) In *Captain Sube Singh v. Lt. Governor of Delhi* [(2004) 6 SCC 440], the Hon'ble Supreme Court, at Paragraph 29, held as follows:

"29. In *Anjum M.H. Ghaswala*, a Constitution Bench of this Court reaffirmed the general rule that when a statute vests certain power in an authority

to be exercised in a particular manner then the said authority has to exercise it only in the manner provided in the statute itself. (See also in this connection *Dhanajaya Reddy v. State of Karnataka*.) The statute in question requires the authority to act in accordance with the rules for variation of the conditions attached to the permit. In our view, it is not permissible to the State Government to purport to alter these conditions by issuing a notification under Section 67(1)(d) read with sub-clause (i) thereof.”

(iv) The Hon'ble Supreme Court in *State of Jharkhand v. Ambay Cements* reported in **2005 (1) CTC 223**, at Paragraph 27, held as follows:

"27. Whenever the statute prescribes that a particular act is to be done in a particular manner and also lays down that failure to comply with the said requirement leads to severe consequences, such requirement would be mandatory. It is the cardinal rule of the interpretation that where a statute provides that a particular thing should be done, it should be done in the manner prescribed and not in any other way. It is also settled rule of

interpretation and where a statute is penal in character, it must be strictly construed and followed. Since the requirement, in the instant case of obtaining prior permission is mandatory, therefore, non-compliance of the same must result in cancelling the concession made in favour of the grantee-the respondent herein."

(v) In *Pandit D Aher v. State of Maharashtra* reported in **2007 (1) SCC 437**, the Hon'ble Supreme Court, at Paragraph 19, held as follows:

"When an employee, by reason of an alleged act of misconduct, is sought to be deprived of his livelihood, the procedure laid down under the sub rules are required to be strictly followed. It is now well settled that a judicial review would lie even if there is an error of law apparent on the face of the record. If statutory authority uses its power in a manner not provided for in the statute or passes an order without application of mind, judicial review would be maintainable. Even an error of fact for sufficient reasons may attract the principles of judicial review."

29. When the appellant has exercised his right of appeal, the DRAT, Chennai, ought not to have dismissed the AIR.No.455 of 2016 mechanically, stating that there was no appearance and want of compliance. As per Section 22 of the RDBI Act, the Tribunal and the Appellate Tribunal shall be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules. Dismissal of AIR.No.455 of 2016, is contrary to the statutory provision, Section 22 of RDBI Act, r/w. Rule 6 of the Debts Recovery Appellate Tribunal (Procedure) Rules, 1994.

30. In **Ravi S.Naik Vs. Union of India**, reported in 1994 AIR 1558, the Hon'ble Supreme Court at paragraph Nos.20, 21 & 42, held as follows:

"20. But while applying the principles of natural justice, it must be borne in mind that "they are not immutable but flexible" and they are not cast in a rigid mould and they cannot be put in a legal strait-jacket. Whether the requirements of natural justice have been complied with or not has to be considered in the context of the facts and circumstances of a particular case.

21. The approach of the English courts has been thus summed up by Prof. Wade:

"The judges, anxious as always to preserve some freedom of manoeuvre, emphasise that 'it is not possible to lay down rigid rules as to when the principles of natural justice are to apply : nor as to their scope and extent. Everything depends on the subject-matter'. 'The so-called rules of natural justice are not engraved on tablets of stone'. Their application, resting as it does upon statutory implication, must always be in conformity with the scheme of the Act and with the subject- matter of the case. 'In the application of the concept of fair play there must be real flexibility'. There must also have been some real prejudice to the complainant: there is no such thing as a merely technical infringement of natural justice."

.....

.....In the words of Lord Wilberforce: "A breach of procedure, whether called a failure of natural justice, or an essential administrative fault, cannot give him a remedy in the courts, unless behind it there is something of substance which has been lost by the failure. The court does not act in vain." [Malloch v. Aberdeen Corpn. (1971) 2 All ER 1278]."

31. For the abovesaid reasons, we are of the view that the order, dated 12.07.2017 in AIR.No.455 of 2016, passed by Debt Recovery Appellate Tribunal, Chennai, is liable to be set aside and accordingly, set aside. The appellant is permitted to represent the appeal papers in AIR.No.455 of 2016 and the Registry, DRAT, Chennai, shall scrutinise, as per the Rule 6 of the abovesaid Rules and assign regular appeal number,

S. MANIKUMAR, J.

AND

V. BHAVANI SUBBAROYAN, J.

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if it is otherwise in order. Procedure contemplated under Sub-Rules (3) and (4) of Rule 6 of the abovesaid Rules, be followed.

32. For the reasons, stated supra, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is also closed.

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(S.M.K., J.) (V.B.S., J.)
22.08.2017

Index: Yes

Internet: Yes

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To

The Debt Recovery Appellate Tribunal,
Chennai.

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