

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2017

C O R A M

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Petition No.11946 of 2017 and
W.M.P.No.12838 of 2017

1.M/s.P.M.P.Textiles Spinning Mills Ltd.,
No.235, Mint Street,
Park Town,
Chennai - 600 003.

2.Mr.P.Muthuswamy
3.Mrs.Rajeshwary
4.Mr.P.M.Ramakrishnan
5.Mr.P.M.Rajaram

... Petitioners

Vs.

1.The Presiding Officer,
Debts Recovery Tribunal II,
Spensors Plaza,
Anna Salai, Mount Road,
Chennai - 600 002.

2.The Authorised Officer,
Bank of India,
"Star House",
30, (Old No.17),
Errabalu Street,
Chennai - 600 001.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution, to issue a writ of certiorarified mandamus calling for the entire records on the file of the first respondent in S.A.No.136 of 2016 and quash the order/return in S.R.No.1817 of 2017, dated 22.03.2017 and direct the first respondent to number and hear the application on merits.

For petitioners - Mr.S.A.Syed Haroon

For Respondents - Mr.Ashokrajaraaman
(R2) for M/s.Benjamin George

ORDER

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

Seeking to call for the records in S.A.No.136 of 2016 and quash the order/return in S.R.No.1817 of 2017, dated 22.03.2017 and direct the first respondent to number and hear the application on merits, the petitioner is before this Court with this writ petition.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. The petitioner had secured loan from the second respondent Bank and the second respondent Bank classified the petitioner's loan account as NPA under SARFAESI Act and also issued Section 13 notice of demand on 05.05.2016. Thereafter, the petitioner also paid about Rs.1 crore between 06.07.2016 to 26.09.2016. The Bank further issued a notice under Section 13(2) of the SARFAESI Act. Hence, the petitioner filed an appeal before the Debts Recovery Tribunal II, Chennai in S.A.No.136 of 2016 raising many of the irregularities committed by the second respondent. The Tribunal has also granted interim stay in favour of the petitioner on payment of 10% of the total dues thereby fixing short time limit. Since, the petitioner has not complied the said condition, the Tribunal vacated the interim stay on 01.02.2017. Thereafter, the petitioner filed a miscellaneous petition before the first respondent Tribunal for extension of time for payment in S.R.No.1817 of 2017 in S.A.No.136 of 2016. However, the same was returned by the Tribunal raising some queries.

4. We do not find any infirmity in the procedure adopted by the Tribunal. However, considering the request made by the petitioner that he is ready and willing to comply with the conditional order passed by the Tribunal, liberty is given to the petitioner to approach the Tribunal. In such an event, the Tribunal is directed to consider the case of the petitioner on merits and in accordance with law.

With the above observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Presiding Officer,
Debts Recovery Tribunal II,
Spensors Plaza,
Anna Salai, Mount Road,
Chennai - 600 002.

2.The Authorised Officer,
Bank of India,
"Star House",
30, (Old No.17),
Errabalu Street,
Chennai - 600 001.

+1cc to M/s.S.A.Syed Haroon, Advocate, S.R.No.43984

+1cc to M/s.F.B.Benjamin George, Advocate, S.R.No.44319

सत्यमेव जयते

W.P.No.11946 of 2017

RK(CO)
CU(20/07/2017)

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