

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.No.26828 of 2017
and WMP No.28545 of 2017

1. M/s.Nandha Energy Limited,
Rep. by Authorised Signatory,
Mr.M.Nandagopal,
Rayala Towers, 2nd Floor,
158, Anna Salai, Chennai - 600 002.

2. Mohan Breweries and Distilleries Ltd.,
Rep. by Authorised Signatory,
Mr.M.Nandagopal,
South Indian Film Chamber of Commerce,
Phase-I, III Floor, No.605 & 606,
T.R.Sundaram Avenue, Thousand Lights, Chennai-6.

3. Mr.M.Nandagopal

4. Mr.Arvind Nandagopal

5. M/s.Binny Limited,
Registered Office at No.1, Cooks Road,
Perambur, Chennai - 600 012.

... Petitioners

vs.

IDBI Bank Limited,
Rep. by its Dy.General Manager,
Mr.G.Udhayakumar,
Having Branch at No.115, Anna Salai, P.B.No.805,
Saidpet, Chennai - 600 015.

... Respondent

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, permitting the petitioner to deposit the amount of Rs.9,00,00,000/- (Rupees Nine Crores Only) in the account of AIR

No.183 of 2017 on the file DRAT at Chennai.

For Petitioners : Mr.U.Karunakaran

For Respondent : Mr.P.S.Rajeev Gandhi
for NVS Associates

ORDER

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

Earlier, placing on record, the submission of the learned counsel for the petitioners, we permitted a sum of Rs.9 Crores being the balance pre-deposit amount, determined by the DRAT in Appln No.546 of 2017 in AIR No.183 of 2017, to be deposited in two equated monthly instalments, from the date of receipt of the copy of the order, made in W.P.No.14221 of 2017 dated 19.07.2017.

2. According to the petitioner, copy of the abovesaid order was received on 17.08.2017. Four weeks time fixed for making first deposit of Rs.4.5 Crores, fell due on 14.09.2017. Petitioners could take Demand Draft for Rs.3,77,00,000/- only and that there was shortfall of Rs.73,00,000/-. When AIR No.183 of 2017 was listed before DRAT, Chennai, explaining the above, demand draft for a sum of Rs.3,77,00,000/- was produced, but the Registry of DRAT, refused to receive the same, without the permission from this Court. Petitioners have also contended that for the balance amount of the first instalment i.e. Rs.73,00,000/-, demand draft has been taken.

3. Petitioners have further contended that the 2nd instalment of Rs.4.5 Crores has to be paid on or before 12.10.2017. For the abovesaid amount, a demand draft has been taken on 06.10.2017.

4. Contending inter alia that though, the petitioners have taken a demand draft for the entire pre-deposit of Rs.9 Crores, as ordered in W.P.No.14221 of 2017 dated 19.07.2017, which the Registrar of the Tribunal is refusing to accept, for the shortfall towards the 1st instalment, which fell due on 14.09.2017 and further contended that if the pre deposit is not accepted rights of the petitioners in appeal would be seriously prejudiced, petitioners have sought for a writ of mandamus, permitting them to deposit the amount of Rs.9 Crores with the Registrar of DRAT, Chennai, in the account of AIR No.183 of 2017.

5. Mr.P.S.Rajeev Gandhi, learned counsel representing IDBI Bank, Saidapet, Chennai, respondent herein has no objection for the permission being granted.

6. We have considered the averments made in the supporting material and also place on record the submission of Mr.P.S.Rajeev Gandhi, learned counsel for the respondent bank.

7. Though, there was a shortfall of Rs.73 Lakhs towards payment of 1st installment i.e. 14.09.17, considering the fact that the writ petitioners have taken Demand Drafts for the entire pre deposit of Rs.9 Crores, within the last date i.e. 12.10.2017, in the interest of justice, prayer sought for has to be ordered. Accordingly, we permit the petitioners to deposit Rs.9 Crores with the Registrar of DRAT, Chennai in AIR No.183 of 2017. Writ petition is allowed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

8. Petitioners are permitted to file a memo in DRAT, Chennai stating that prayer sought for has been ordered, permission has been granted and accordingly, deposit Rs.9 Crores.

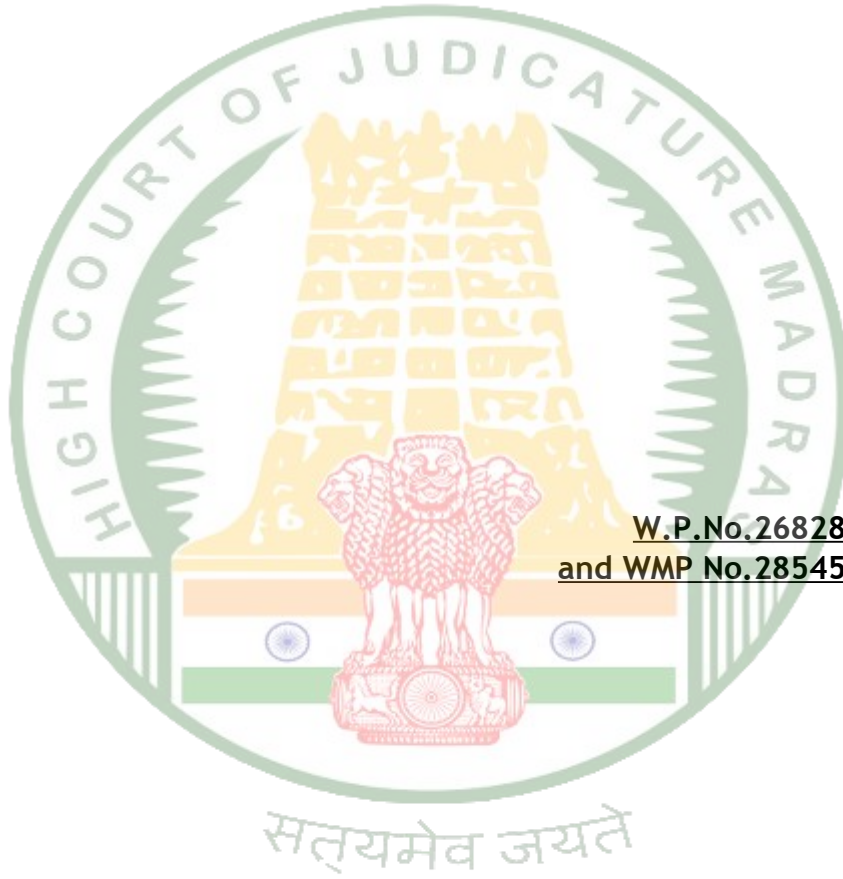
Index: Yes/No.
Internet: Yes

(S.M.K., J.) (R.S.K., J.)
13.10.2017

Note to office:
Issue order copy immediately.
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S.MANIKUMAR, J.
AND
R.SURESH KUMAR, J.

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