

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.4.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.9560 of 2017

M/s. S.K.A. Coir & Spinning Fibre Industries
rep. by its Prop. Sirajuddin
No.54/1, K.K. Nagar, Peravurani
Thanjavur 614 804.

.. Petitioner

Vs.

1. ICICI Bank Ltd.
rep. by Subramanian
West Wing Plot No.24
South Phase, Industrial Estate
Ambattur, Chennai 58.

2. Syed Ali Fathima

.. Respondents

Petition under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the records relating to I.A.No.175/2015 in AIR No.114/2015 on the file of the Debts Recovery Appellate Tribunal, Chennai and quash the order dated 24.3.2017 made in I.A.No.175/2015 in AIR No.114/2015 on the file of DRAT, Chennai.

For Petitioner : Mr.V.R.Kamalanathan

ORDER

(Made by Huluvadi G.Ramesh,J)

The petitioner has filed this petition challenging the order passed by the Debts Recovery Appellate Tribunal, Chennai, dated 24.3.2017 made in I.A.No.175/2015 in AIR No.114/2015.

2. Heard Mr.V.R.Kamalanathan, learned counsel appearing for the petitioner.

3. The order of the Debts Recovery Appellate Tribunal, Chennai, which is under challenge now, is only a direction to the petitioner to make pre-deposit of Rs.5.00 Lakhs within a period of four weeks, to entertain the appeal. The said condition of pre-deposit, which is mandated by the Recovery of Debts Due to Bank and Financial Institutions Act, 1993, for filing an appeal, cannot be said to be arbitrary, as the Appellate Tribunal has directed to deposit only 25% of the debt amount, instead of 75%. Therefore, we do not find any reason to quash the impugned order.

4. In view of the above, this writ petition is dismissed. Consequently, WMP No.10506 of 2017 is also dismissed.

(H.G.R.J.) (N.S.K.J.)
20.4.2017

kpl

HULUVADI G.RAMESH,J,
and
N.SATHISH KUMAR,J.

kpl

W.P.No.9560 of 2017.

20.4.2017.

<http://www.judis.nic.in>