



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2017

CORAM

THE HON'BLE MR.JUSTICE M.VENUGOPAL  
and  
THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.19987 of 2017  
and  
W.M.P. (MD) No.16264 of 2017

M/s.Nandhi Dall Mills  
A partnership firm rep. by its  
Managing Partner  
Shri.S.A.Kumar, Avl,  
No.270, Narashimman Road,  
Salem - 636 002.

.. Petitioner

vs.

1.Authorised Officer,  
Kotak Mahindra Bank Limited,  
Plot No.12, S.No.98,  
Bharathi Street, Alagapuram,  
Salem - 636 004.

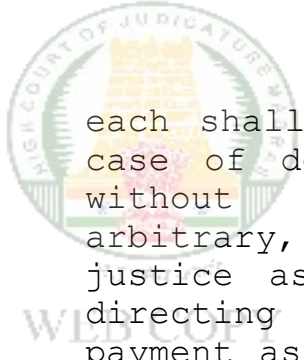
2.The Branch Manager,  
Kotak Mahindra Bank Limited,  
Plot No.12, S.No.98,  
Bharathi Street, Alagapuram,  
Salem - 636 004.

3.The Chairperson,  
The Debts Recovery Appellate Tribunal,  
Chennai.

4.The Presiding Officer,  
Debts Recovery Tribunal,  
Madurai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records of the order in AIR.(SA).126/2017, dated 10.10.2017 on the file of the DRAT, Chennai in respect of the direction directing the petitioner to make pre-deposit of Rs.37,00,000/- in two instalments out of which first instalment of Rs.18.50 lakhs and another 18.50 lakhs within a period of 4 weeks



each shall be deposited with the Registrar DRAT, Chennai and in case of default the appeal shall stand automatically dismissed without any reference to the Court and quash the same as arbitrary, unreasonable and against the principles of natural justice as the entire amount is already paid and consequently directing the first and second respondents to receive the balance payment as per the RBI auditors expert report after deducting the amount of Rs.79,00,000/- paid by the petitioner, as per the order of this Court in W.P.No.17904 of 2016 dated 21.06.2016 for full and final settlement.

For Petitioner : Mr.D.Nallathambi

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### O R D E R

The Learned Counsel for the Petitioner has made an endorsement in the Writ Petition papers to the following effect:-

'This Writ Petition may be dismissed as withdrawn with liberty to move the DRAT, Chennai'.

2.Recording the aforesaid fact and the endorsement so made, the present Writ Petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1.The Chairperson,  
The Debts Recovery Appellate Tribunal,  
Chennai.

2.The Presiding Officer,  
Debts Recovery Tribunal,  
Madurai.

+ 1 cc TO Mr.D.Nallathambi , Advocate in SR No. 84872

rj2

AE/SV MMS/SAR3/13.11.2017/2P/4C

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and**

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