

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Petition No.6162 of 2017

Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

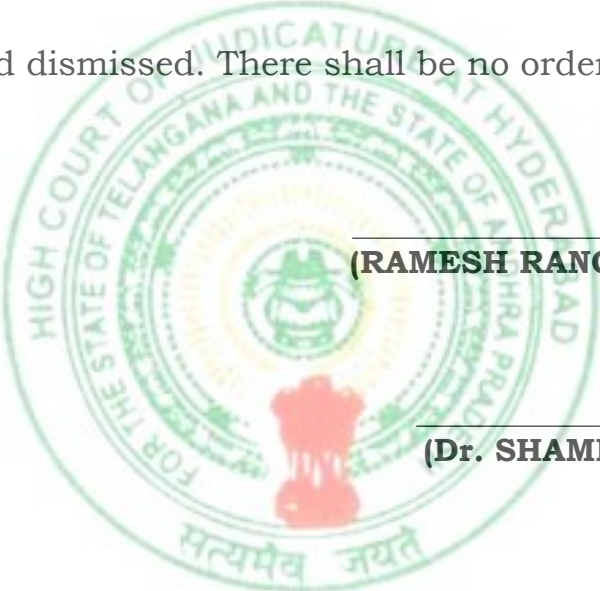
The order under challenge in this writ petition is the order passed by the Debts Recovery Tribunal (DRT), Hyderabad in SAIR No. 631 of 2016 dated 27.1.2017 whereby, while granting stay of all further proceedings pursuant to the possession notice dated 7.10.2016, the DRT directed the petitioners to deposit 30% of the total outstanding amount in two equal instalments, the first instalment of 15% within two weeks from the date of the order, and the second instalment of 15% within two weeks thereafter. The order of the Tribunal is dated 27.1.2017. The four week period, stipulated by the DRT, expired by 24.2.2017. The petitioners, admittedly, have not paid a single rupee after the order of the Tribunal.

The submission of Sri C.Hanumantha Rayudu, learned counsel for the petitioners, is that the petitioners have been repaying the amounts on time; and their account should not have been declared as an NPA.

As the petitioners have invoked the jurisdiction of the DRT, all these questions of fact can only be agitated in the application filed by them before the DRT. With regards the conditional interim order passed by the Tribunal, it must be taken note of that the DRT has directed the petitioners to pay only 30% of the outstanding amount. Such an order cannot be said to be perverse necessitating interference in proceedings under Article 226 of the

Constitution of India. Any grievance which the petitioners may have, with regards the four week time stipulated by the DRT, can be redressed in an appeal to be preferred before the Appellate Tribunal or by way of a petition before the DRT itself seeking extension of time. We, however, see no reason to interfere with the order of the DRT in proceedings under Article 226 of the Constitution of India.

Leaving it open to the petitioners to file an application before the DRT for extension of time, the writ petition fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

9th March, 2017

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Date: 9.3.2017

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