

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE Dr. SHAMEEM AKTHER**

CONTEMPT CASE NO. 533 OF 2017

ORDER: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

Heard Sri Ch. Ramesh Babu, Learned Counsel for the petitioner and Sri S. Ashok Anand Kumar, Learned Standing Counsel for the respondent bank.

The present Contempt Case is filed alleging violation of the order passed by us in W.P. No.32620 of 2016 dated 22.02.2017. The petitioner herein, initially, filed W.P. No.16629 of 2016 to declare the order of the Debt Recovery Tribunal in I.A. No.249 of 2016 in S.A. No.115 of 2016 dated 13.05.2016, in disposing of the appeal itself without considering the same on merits, as arbitrary and illegal. Thereafter W.P. No.32620 of 2016 was filed to set aside the second sale notice dated 22.08.2016 to auction the properties, of the petitioner, scheduled to be held on 05.10.2016. In the common order passed, in W.P. No.16629 of 2016 and 32620 of 2016 dated 22.02.2017, we had noted the contention urged on behalf of the petitioner that the Debt Recovery Tribunal lacked jurisdiction to dispose of S.A. No.115 of 2016 itself, though it was only I.A. No.249 of 2016 which was slated for hearing. After recording the contents of the order of the DRT in I.A. No.249 of 2016 in S.A. No.115 of 2016 dated 13.05.2016, we held that the DRT had erred in dismissing S.A. No.115 of 2016 itself. The order of the DRT dated 13.05.2016 was set aside to the limited extent, S.A. No.115 of 2016 was dismissed, S.A. No.115 of 2016 was restored to file, and was directed to be adjudicated by the DRT on

its merits. We also made it clear that we had not interfered with the interlocutory order passed by the DRT in I.A. No.249 of 2016 in S.A. No.115 of 2016. The order of the DRT in I.A. No.249 of 2016 in S.A. No.115 of 2016 required the petitioner to submit a concrete proposal and to pay the entire dues within one month, after the date of sale, latest by 10.07.2016. Admittedly the petitioner did not pay the entire amount by 10.07.2016. The action of the respondent bank, in issuing a sale notice dated 25.02.2017, cannot, therefore, be said to be in violation of the order of this Court necessitating interference under the Contempt of Courts Act, 1971. In issuing a sale notice, the respondents have neither violated the aforesaid order of this Court nor the order passed by the DRT in I.A. No.249 of 2016. The Contempt Case, as filed, is wholly misconceived and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.



RAMESH RANGANATHAN, ACJ

Dr. SHAMEEM AKTHER, J

Date: 22.03.2017.

MRKR