

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.01.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.1008 of 2018
and
WMP No.1200 of 2018

1. G.K.Steels and Allied Industries Ltd.,
No.364, Bharathiyar Road,
Coimbatore - 641 044,
Rep. by its Director, Mr.K.Narayanasamy.
 2. K.Narayanasamy Petitioners
- vs.
1. The Registrar,
Debts Recovery Appellate Tribunal,
Chennai.
 2. Industrial Development Bank of India,
Anna Salai, Saidapet,
Chennai - 600 015.
 3. Industrial Finance Corporation of India Ltd.,
No.142, Nungambakkam High Road,
Chennai - 600 034.
 4. International Asset Reconstruction
Company Private Limited (IARC Pvt. Ltd.),
No.2B, 2nd Floor, K.G.Retreat, G.N.Chetty Road,
T.Nagar, Chennai - 600 017.
 5. ICICI Bank Limited,
No.1, Cenotaph Road,
Chennai - 600 018.
 6. Standard Chartered Bank,
No.19, Rajaji Salai, 5th Floor,
Chennai - 600 001.
 7. K.Venkatesh

8. G.K.Steels (Coimbatore) Limited,
No.364, Bharathiyar Road,
Coimbatore - 641 044

9. State Bank of India,
Coimbatore - 641 018.

10. Dr.K.Balasundram

... Respondents

[Respondents 5 to 10 are only formal parties and are given up in the above writ petition and no notice need be sent to them.]

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorari, to call for the records of the impugned order dated 22.12.2017 passed in M.A.No.44/2014, on the file of the first respondent and quash that portion of the said impugned order by which the Appellate Tribunal has directed the DRT to adjudicate the OA as early as possible without being influenced by pending of the appeal.

For Petitioners : Mr.Elaya Rajkumar,
for M/s.Ramalingam and Asso.

ORDER

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

Proceedings dated 22.12.2017 impugned in this writ petition, is as follows:

"The counsel for appellant prays for some time for arguments. The counsel for R1 submitted that this is nothing but the delay tactics and the OA is of the year 1998. The Id.PO is directed to adjudicate the OA as early as possible without being influenced by pending of this appeal.

As prayed by the counsel for appellant, list for final arguments on 15.02.2018."

2. Perusal of the material on record shows that though, the petitioner has requested Debts Recovery Appellate Tribunal, Chennai, some time for arguments, MA No.44 of 2014, has been directed to be listed for final arguments on 15.02.2018.

3. During the course of hearing of this writ petition, Mr.Elaya Rajkumar, learned counsel for the petitioner submitted that a Miscellaneous Petition has been filed for advancing the hearing of MA No.44 of 2014 from 15.02.2018 to any other earlier date and that the said I.A.No.1835 of 2017, which came up for hearing yesterday, is directed to be posted on 24.01.2018.

4. When the petitioner has filed I.A.No.1835 of 2017 for advancing the hearing of M.A.No.44 of 2014, as stated supra, order dated 22.12.2017, cannot be set aside by issuance of a writ of certiorari. Further, request of the petitioner for allowing written arguments to be submitted by 24.01.2018 also cannot be ordered as it would amount to setting aside the order dated 22.12.2017 as well as usurping the powers of Debts Recovery Appellate Tribunal, Chennai, to pass orders in I.A.No.1835 of 2017 in M.A.No.44 of 2014. Prayer sought for in this writ petition cannot be granted. Hence, the writ petition is dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

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To

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

+2 Ccs to Mr. Ramalingam Associates, Advocate sr 3266.

सत्यमेव जयते

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RSI (CO)
SP(13/02/2018)

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