

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.29400 of 2017
and
W.M.P.No.31673 of 2017

M/s.Bright 'N Power Marketing Private Limited.,
Rep by its Managing Director,
T.Jerald Sahayaraj,
No.7, New No.17,
New Colony, 2nd Main Road,
Alwarthirunagar,
Chennai - 600 087. Petitioner

vs.

- 1.The Registrar,
Debt Recovery Appellate Tribunal
4th Floor, Indian Bank Circle Office,
56 Ethiraj Salai, Chennai - 600 008.
- 2.Phoenix ARC Private Ltd.,
As Trustee for the Phoenix Trust-FY 17-8,
5th Floor, Dani Corporate Park,
158, CST Road, Kalina, Santacruz (E),
Mumbai - 400 098, Rep. by Auth. Signatory
Mr.Mahesh Malunjkar. Respondents

(R2-amended as per order dated 19.02.2018
by SMKJ & VBSJ in W.M.P.No.3579 of 2018 in
W.P.No.29400 of 2017)

Prayer: WRIT Petition filed under Article 226 of the
Constitution of India, praying for the issuance of a Writ of
Certiorari, calling for records pertaining to the proceedings on
the file of the 1st respondent regarding the SARFAESI
proceedings and records and quash the impugned order dated
15.06.2017 in AIR (SA) No.412 of 2016, passed by the 1st
respondent.

For Petitioner : Mr.P.Jesus Moris Ravi
For Respondent 2 : Mr.Elayaraja Kumar
for M/s.Ramalingam Associates

ORDER

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

Though Mr.P.Jesus Moris Ravi, learned counsel for the petitioner made submissions, on the correctness of the order dated 15.6.2017, made in AIR(SA)No.412 of 2016, on the file of Debt Recovery Appellate Tribunal, Chennai, on merits, when attention of the learned counsel was invited to the portion of the order dated 15.06.2017, where there is a reference to the submission for extension of time, to ensure payment. Mr.P.Jesus Moris Ravi, learned counsel for the petitioner submitted that on 15.06.2017, all that was submitted to the DRAT, Chennai, was that a Civil Revision Petition was filed and pending on the file of this Court in C.R.P.(PD)No.2166 of 2017 and that there was no submission or prayer for extension of time. Learned counsel for the petitioner also submitted that, he would file an affidavit before the DRAT, Chennai, seeking for review of that particular portion of the order. Submission is placed on record.

2. Inviting the attention of this Court, to the order made in C.R.P.(PD).No.2166 of 2017, dated 13.07.2017, Mr.Elayaraja Kumar learned counsel for the second respondent submitted that, when the revision petition was withdrawn, no such statement was made before this Court, regarding the manner in which the Appellate Forum, disposed of AIR(SA)No.412 of 2016, nor there was any ground raised in the instant writ petition in W.P.No.29400 of 2017, stating that the Appellate Tribunal erred in recording a fact, which was not submitted.

3. As rightly pointed out, submission made before this Court, in the instant writ petition is purely oral and not supported by any material on record, including the grounds raised in W.P.No.29400 of 2017.

4. Mr.P.Jesus Moris Ravi, learned counsel for the petitioner has submitted that, he would file an affidavit before the Appellate Tribunal vouching the contention made. That be the case, there is no need to advert to the challenge made.

5. Accordingly, the Writ Petition is dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

dm/kk

To

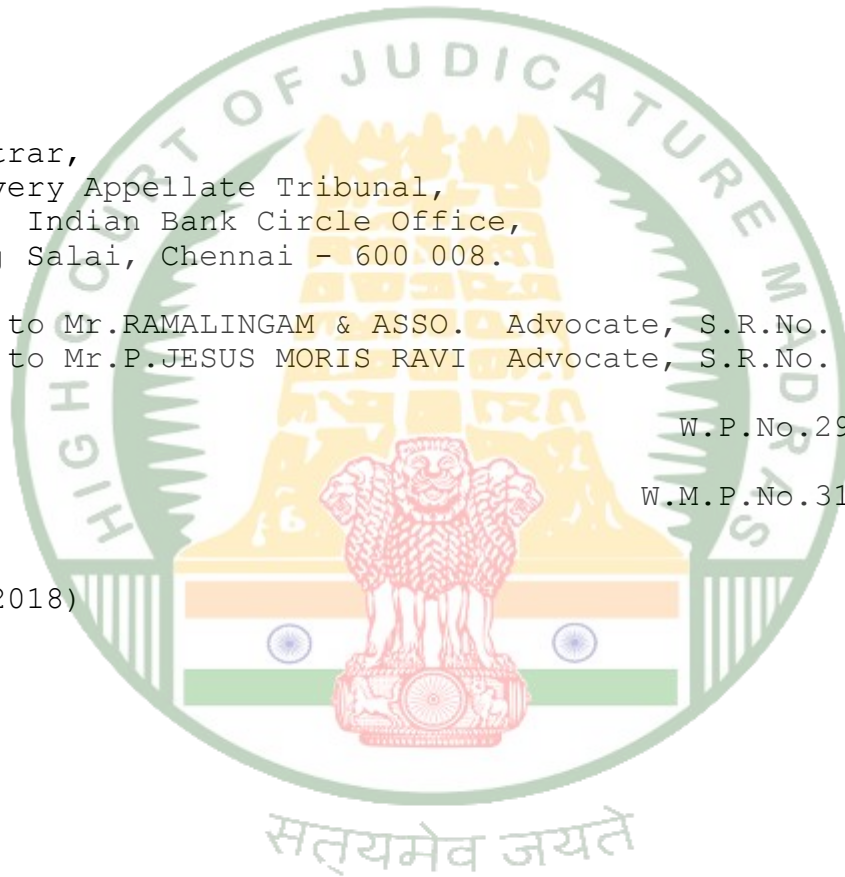
The Registrar,
Debt Recovery Appellate Tribunal,
4th Floor, Indian Bank Circle Office,
56 Ethiraj Salai, Chennai - 600 008.

+2cc to Mr.RAMALINGAM & ASSO. Advocate, S.R.No. 18198

+2cc to Mr.P.JESUS MORIS RAVI Advocate, S.R.No. 18391

W.P.No.29400 of 2017
and
W.M.P.No.31673 of 2017

RR(CO)
TR(23/03/2018)



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