

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2019

CORAM:

THE HON'BLE DR. JUSTICE VINEET KOTHARI
and
THE HON'BLE MR. JUSTICE C.SARAVANAN

W.P.No.11801 of 2019

1. D.Chennadurai

2. M/s.Annai Copier Service,
Rep. by its Proprietor,
D.Chennadurai,
No.23, Periyar Salai,
Thenampet, Chennai-600 018.

3. Parvendhan

Also at:
Flat No.G.1, Plot No.4,
Senthil Nagar, V Street,
Seevaram, Sholinganallur,
Perungudi, Near Toll Plaza,
Chennai- 600 060

Petitioners

..Vs..

HDFC Bank Limited,
Rep. by its Authorized Signatory,
No.110, Ceebros Building,
IV Floor, Nelson Manickam Road,
Aminjikarai, Chennai 600 029.

Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 27.11.2018 passed in A.I.R.357 of 2018 by the Debts Recovery Appellate Tribunal at Chennai and quash the same as arbitrary and by extending the time to pre-deposit the amount of Rs.10,00,000/- (Rupees Ten Lakhs only).

For Petitioner : Mr.N.Theenadayalan
For Respondent : Mr.T.K.M.Saikrishnan
(HDFC Bank)

O R D E R

(Delivered by DR.VINEET KOTHARI, J.)

This Writ Petition has been directed against the order dated 27.11.2018 passed in A.I.R.357 of 2018 by the Debts Recovery Appellate Tribunal, Chennai, whereby the learned Debts Recovery Appellate Tribunal dismissed the Appeal filed by the petitioner for want of compliance on pre-deposit of Rs.10,00,000/- (Rupees Ten Lakhs only).

2. The learned counsel for the petitioner submitted that the petitioner is doing the business of photo copier machine. During 2017, the dues payable by the petitioner were shown by the respondent bank to the tune of Rs.22,15,532/- which with the period of time might have been increased. The learned counsel for the petitioner further submitted that the Tribunal had directed the petitioner to pre-deposit a sum of Rs.10,00,000/-, which is an onerous condition on the facts and circumstances of the case.

3. The learned counsel for the respondent supported the impugned order stating that outstanding amount is more than 22 lakhs and with interest it may be Rs.30,00,000/- . Therefore, the petitioner ought to have deposited the amount of Rs.10,00,000/- as directed by the Tribunal. He had also submitted that the petitioner admitted the debt.

4. Having heard the learned counsel for the parties, we are of the opinion that the lumpsum payment of Rs.10,00,000/-by the petitioner in the circumstances of the case may not be proper because of the reason that he is a small business man, carrying on the business of a photocopier. Therefore, we reduce the sum from Rs.10,00,000/- (Rupees Ten Lakhs only) to Rs.8,00,000/- (Rupees Eight Lakhs only) and grant a period of six weeks from today is granted to the petitioner to make the said payment of Rs.8,00,000/- (Rupees Eight Lakhs only).

5. Accordingly, this Writ Petition is disposed of. The petitioner is directed to make payment of a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) within a period of six weeks from today with the Debts Recovery Appellate Tribunal (DRAT). The learned Debts Recovery Appellate Tribunal shall restore the appeal and

then hear the appeal of the petitioner and dispose of the same on merits in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

The Authorized Signatory,
HDFC Bank Limited,
No.110, Ceebros Building,
IV Floor, Nelson Manickam Road,
Aminjikarai, Chennai 600 029.

copy to:

The Registrar,
Debts Recovery Appellate Tribunal,
Chennai.

+1cc to Mr.T.K.M.Saikrishnan, Advocate SR.NO. 79155

+1cc to Mr.N.Theenadayalan, Advocate SR.NO. 79119

W.P.No.11801 of 2019

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nr 31/10/2019

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