

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.05.2019

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

&

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.No.15011 of 2019
and W.M.P.Nos.14971 & 14972 of 2019

M/s. Sharon Solutions Limited,
No.A: 15-18, PIPDIC Electronic Park,
Thirubhuvanai, Pondicherry - 605 107,
Represented by Ms.Uma Maheswari
Director Petitioner

vs.

1. UCO Bank, International Banking Branch,
328, Thambu Chetty Street,
3rd Floor, Chennai - 600 001.

2. Canara Bank,
787, Karim Mansion,
Mount Road, Chennai - 600 002.

3. Federal Bank,
E5 - E6, Nelson Chambers,
115, Nelson Manickam Road,
Rajaram Mehta Nagar,
Chennai - 600 029.

4. Edelweiss Asset Reconstruction,
Company Limited,
Edelweiss House,
Off. C.S.T.Road,
Kalina, Mumbai - 400 098.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorified Mandamus to call for the records of the Debts Recovery Tribunal II, Chennai in O.A.No.368 of 2016 dated 10.01.2018 and consequently DRC No.133 of 2018 dated 15.03.2018 and quash the same and direct the Debts Recovery Tribunal to rehear O.A.No.368 of 2016.

For Petitioner : Mr.Thriyambak J. Kannan

O R D E R

This writ petition has been filed challenging the order dated 10.01.2018 passed by the Debts Recovery Tribunal II, Chennai in O.A.No.368 of 2016 and further order dated 15.03.2018 passed in DRC.No.133 of 2018.

2. Heard the learned counsel appearing for the petitioner.

3. Though several allegations were pressed into service, it appears that the proceedings has been initiated by the Bank before the Debts Recovery Tribunal for recovery of the amounts due to them and notice has also been served to the petitioner. However, the petitioner has not filed any counter affidavit having received the notice and a decree has been passed by the Debts Recovery Tribunal II, Chennai. The order of the Debts Recovery Tribunal II, Chennai, has not been challenged by the petitioner before the Appellate Tribunal. Thereafter, an application has been filed by the Bank to execute such a decree and the same has also not been challenged by the petitioner. Without challenging the same before the Appellate Authorities as per SARFAESI Act, the petitioner approached this Court by way of this writ petition challenging the decree and judgment of the Debts Recovery Tribunal on the ground of alleging fraud. There is clear mechanism set out in the SARFAESI Act to challenge the decree and judgment of the Debts Recovery Tribunal. In our considered view, as the petitioner has filed this writ petition bypassing such mechanism, this writ petition is not maintainable.

4. Accordingly, this writ petition is dismissed. The petitioner is advised to prefer an appeal against the orders dated 10.01.2018 and 15.03.2018 before the appellate Tribunal as per law.

5. With the above observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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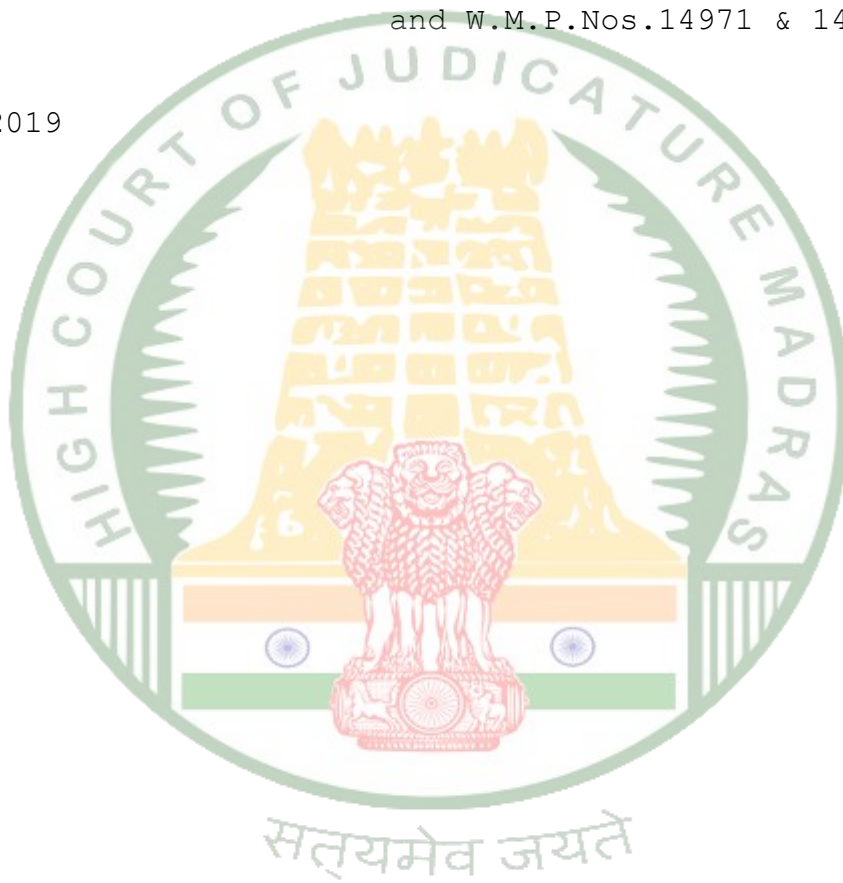
TO:

The Debts Recovery Tribunal-II,
Chennai.

+lcc to Mr.Thriyambak J. Kannan, Advocate sr.44344

W.P.No.15011 of 2019
and W.M.P.Nos.14971 & 14972 of 2019

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