

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 09-09-2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI

AND

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.23087 OF 2019

N.Ramathal

...

Petitioner

-vs-

1.The Authorised Officer,
State Bank of India,
SME Branch,
54, First Floor,
Uthukulli Road,
Tirupur - 641 601.

2.M/s.Win Apparels

...

Respondents

Represented by its Proprietrix
Mrs.R.Sridevi No.1 Poonthotam,Murugapalayam
Avinasi Road,Tirupur 640 603.

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the Hon'ble Debt Recovery Appellate Tribunal at Chennai made in I.A.No.483 of 2019 against I.A.No.810 of 2015 in S.A.No.234 of 2015, dated 10.07.2019, and quash the same and consequently direct the Hon'ble Debt Recovery Appellate Tribunal at Chennai to hear the main A.I.R.(S.A).No.161 of 2019 on merits without insisting on pre-deposit and pass orders on merits within a time frame as may be fixed by this High Court.

For Petitioner : Mr.Silambanan,
Senior Counsel,
for Ms.Kaavya Silambanan.

For Respondents : No appearance

ORDER
(By Dr.Vineet Kothari,J.)

This case comes up on extension of interim order granted by a co-ordinate Bench of this Court on 06.08.2019.

2. This Writ Petition itself has been directed against the Interlocutory Order passed by Debt Recovery Appellate Tribunal (DRAT), Chennai, dated 10.07.2019, in AIR (SA) No.161 of 2019, by which, the learned Tribunal directed the petitioner-borrower to make a pre-deposit of Rs.70.00 lakhs with the Registrar of the Tribunal.

3. Mr.Silambanan, learned Senior Counsel, appearing for the petitioner, would submit that since the petitioner has already made certain deposit, the further sum of Rs.70.00 lakhs, to be deposited as directed by the learned Tribunal, would be more than the amount of Demand in question and, therefore, the said order of the learned Tribunal deserves to be interfered with.

4. The interim order passed by the co-ordinate Bench on 06.08.2019 was only to the effect of extending the time limit as directed by the learned Tribunal for a period of ten days from that day and the said order came to be extended from time to time till-date.

5. None appears on behalf of the respondents, despite their names having been shown in the Cause List.

6. Having heard the learned Senior Counsel for the petitioner, we are of the opinion that this Writ Petition itself can be disposed of, granting two weeks' more time to the petitioner to raise all his contentions with regard to the modification of the order, dated 10.07.2019, passed by the learned Tribunal.

7. Under the circumstances, we dispose of this Writ Petition, directing the petitioner to appear before the learned Tribunal viz., DRAT, Chennai, on 17.09.2019 and, after hearing the parties concerned, including the petitioner herein, we expect the learned Tribunal to pass orders afresh in accordance with law.

8. No costs. Consequently, the connected W.M.P.No.22798 of 2019 is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dixit
To

1.The Authorised Officer,
State Bank of India,
SME Branch,
54, First Floor,
Uthukulli Road,
Tirupur - 641 601.

2.The Debt Recovery Appellate Tribunal (DRAT),
Chennai.

+1cc to M/s.Kaaya Silambanan , Advocate SR.No. 77843
W.P.No.23087 OF 2019
A.SK(21/10/2019)