

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM :

The Hon'ble Mr.JUSTICE Dr.VINEET KOTHARI

AND

The Hon'ble Mr.JUSTICE C.SARAVANAN

W.P.No.27856 of 2019

and WMP No.27416 of 2019

P. Soundarajan

.. petitioner

-vs-

1. The Registrar,
Hon'ble Debts Recovery Appellate Tribunal,
55, Ethiraj Salai,
Egmore,
Chennai - 600 008

2. The Authorised Officer,
Tamilnad Mercantile Bank Limited,
Chitlapakkam Branch,
46/87, 1st Floor, 1, Gayatri Nagar,
Hasthinapuram,
Chitlapakkam,
Chennai - 600 064

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the order to deposit Rs.20 lakhs must take into consideration Rs.15.94 lakhs already paid and only balance of Rs.4.06 lakhs is required to be paid to decide the appeal on merits and restore the AIR SA 140 of 2019 on the file of DRAT Chennai on payment of the same.

For petitioner : Mr.P. Soundarajan
Party-in-Person

R.1 : Tribunal

For R.2 : Mr.K.N. Chinnakirshnan

ORDER

(Order of the Court was delivered by Dr.VINEET KOTHARI, J.,)

The petitioner, appearing in person, viz., Mr.P. Soundarajan is aggrieved by the order dated 07.08.2019 passed by the Debts Recovery Appellate Tribunal, directing him to make a pre-deposit of Rs.20,00,000/-(Rupees Twenty lakhs only) for maintaining the appeal filed by him under Section 18 of the SARFAESI Act.

2. The petitioner, appearing in person, submits that as against the outstanding amount of Rs.49.30 lakhs, the petitioner had deposited a sum of Rs.15,94,000/-(Rupees fifteen lakhs ninety four thousand only) on various dates. The details of which are given below for ready reference:

Home Loan A/c No.23470090100009

Date	Debits	Credits	Outstanding
30.09.2017			29,30,121
22.02.2018		95,000	28,35,121.00
22.02.2018		2,75,000	25,60,121.00
10.08.2018		5,00,000	20,60,121.00
		Total 8,70,000/-	

Over Draft A/c Octave Media 234700050900086

Date	Debits	Credits	Outstanding
30.09.2017			19,96,324.8
27.02.2018		50000	19,46,324.80
27.02.2018		4000	19,46,324.80
27.02.2018		1,70,000	17,72,324.80
25.07.2018		5,00,000	12,72,324.80
		Total 7,24,000	

Grand Total 15,94,000

3. The said deposits are not disputed by the respondent Bank.

4. Therefore, if the credit of Rs.15,94,000/- is given against the pre-deposit, as directed by the Debts Recovery

Appellate Tribunal, the remaining amount will be Rs.4,06,000/- (Rupees Four lakhs six thousand only), for which, the petitioner produced before us a copy of the Demand Draft No.379152 dated 10.11.2019 drawn on Federal Bank in favour of The Registrar, DRAT, Chennai. Thus total amount would be Rs.20,00,000/- (Rupees Twenty lakhs only).

5. Therefore, we are of the opinion that the pre-deposit requirement has been met by the petitioner. In view of the above, upon production of the Demand Draft No.379152 dated 10.11.2019 for a sum of Rs.4,06,000/- (Rupees four lakhs six thousand only) by the petitioner before the Registrar, DRAT, Chennai, the Debts Recovery Appellate Tribunal, Chennai shall restore the appeal AIR SA 140 of 2019 and decide the same on merits and in accordance with law after hearing both the parties.

6. We, accordingly, direct the parties to appear before the Debts Recovery Tribunal-I, Chennai, at the first instance on 10.12.2019.

7. Till the Debts Recovery Appellate Tribunal hears both the parties and pass orders on merits and in accordance with law, Status-quo with regard to the property of the petitioner shall be maintained by the respondent bank and the others.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Registrar,
Hon'ble Debts Recovery Appellate Tribunal,
55, Ethiraj Salai,
Egmore, Chennai - 600 008
2. The Authorised Officer,
Tamilnad Mercantile Bank Limited,
Chitlapakkam Branch,
46/87, 1st Floor, 1, Gayatri Nagar,
Hasthinapuram, Chitlapakkam,
Chennai - 600 064

+2cc to Mr.P.Soundarajan, Advocate SR.96929

W.P.No.27856 of 2019

RJI (CO)
CB(21/01/2020)