

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2019

CORAM:

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.31704 OF 2019

R.Saranya

.. Petitioner

Vs

1. Debts Recovery Appellate Tribunal
Represented by its Registrar
4th Floor, Indian Bank Circle Office
No.55, Ethiraj Salai
Chennai - 600 008.

2. The Authorised Officer
State Bank of India
Varada Reddy Street
Vedhachalam Nagar
Chengalpet - 603 001.

3. V.Radhakrishnan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari and Mandamus, calling for the records pertaining to the impugned order dated 12.09.2019 in AIR (SA) No.127 of 2019 passed by the Debt Recovery Appellate Tribunal, Chennai and quash the same as illegal, arbitrary and tame it as against law and further direct the DRAT to accept the pre-deposit and decide the appeal on merits and thus render justice.

For Petitioner : Mr.R.R.Pradheep for
Mr.G.Sanjeevi

ORDER

[Order of the Court was made by Dr.VINEET KOTHARI, J]

This petition has been filed against the order dated 14.08.2019 passed by the 'Debt Recovery Appellate Tribunal' (hereinafter referred to as 'DRAT') and the consequential order passed on 12.09.2019, dismissing the appeal filed by the petitioner/borrower.

2. The learned counsel for the petitioner urges that the petitioner is now arranging the amount of pre-deposit of Rs.15,00,000/- (Rupees Fifteen Lakhs only), as directed by the DRAT and may be granted two weeks time to deposit the same and subject to such deposit, the impugned order may be set aside and the Tribunal may be directed to decide the appeal on merits.

3. Though we would not interfere with the discretionary order passed by the DRAT in the matter of pre-deposit under Section 18 (2) of the SARFAESI Act, however, on the undertaking given by the learned counsel for the petitioner, we direct the petitioner to deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the DRAT shall consider the appeal filed by the petitioner and dispose of the same on merits and in accordance with law.

4. It is made clear that neither extension of time nor reduction of the amount will be allowed. If the petitioner fails to deposit the said amount as ordered above, the writ petition shall be treated as dismissed.

With the above observation, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Registrar
Debts Recovery Appellate Tribunal
4th Floor, Indian Bank Circle Office
No.55, Ethiraj Salai, Chennai - 600 008.

2. The Authorised Officer
State Bank of India, Varada Reddy Street
Vedhachalam Nagar, Chengalpet - 603 001.

+1cc to Mr.G.Sanjeevi, Advocate, S.R.No.94185

W.P.No.31704 of 2019

JP(CO)
CS/13/12/2019