

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04-10-2019

C O R A M

The Honourable Mr.Justice S.MANIKUMAR
and
The Honourable Mr.Justice R.SURESH KUMAR

Writ Petition No.25605 of 2017
and WMP.No.27006 of 2017

1. M/s. Lakshmi Jewellers Main Metro
Rep. by M.Ashok Kumar & A.Ramya (Partners)
497-500, Cross cut Road,
Gandhipuram,
Coimbatore - 12.
2. M.Ashok Kumar
3. A.Ramya ... Petitioners

Vs

1. The Authorised Officer
Karur Vysya Bank Ltd.,
439, Dr.Nanjappa Road,
Coimbatore - 18.
2. The Presiding Officer
Debt Recovery Tribunal,
Coimbatore. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorari calling for the records passed by the second respondent contained in I.A.No.1283 of 2017 in S.A.No.95 of 2013, dated 07.08.2017 and to quash the same.

For Petitioners ... Mr.R.Rajesh

For Respondents ... Mr.A.V.Radhakrishnan for R1

O R D E R

This writ petition has been filed under Article 226 of the Constitution, seeking for a writ of certiorari, calling for the records passed by the second respondent contained in I.A.No.1283 of 2017 in S.A.No.95 of 2013, dated 07.08.2017 and to quash the same.

2. The necessary facts which are to be noticed for the disposal of this writ petition are as follows :

(i) That the first petitioner is a partnership firm, where the petitioner 2 and 3 are partners. In the year 2011, the second and third petitioners approached the first respondent Bank for availing a loan facility for the completion of the ongoing construction of the building of the petitioners, accordingly, the first respondent Bank, having considered the request of the petitioners, had come forward to sanction a loan for a sum of Rs.1,25,00,000/- under the head "Term loan" in the name of the second and third petitioners. As a security to the said loan advanced by the bank, the second and third petitioners executed number of security documents on 14.02.2011 in favour of the bank. That apart, the second and third petitioners executed an equitable mortgage of the property referred to in schedule A of the demand notice, dated 15.02.2013 of the Bank.

(ii) Thereafter it seems that, further loan was sought for by the petitioners to develop their jewellery business, that was also considered positively by the respondent Bank and it had sanctioned a sum of Rs.25 lakhs as secured overdraft and also a sum of Rs.25 lakhs under the head of HPL (O) in the name of the first petitioner firm. In order to give security over the said loan, the second and third petitioners have executed security documents on 15.02.2011 on behalf of the first petitioner firm in favour of the Bank and they also executed the equitable mortgage already created over the afore referred property for the said term loan facilities availed by them on 15.02.2011, also extended the said equitable mortgage to the subsequent loan and further second and third petitioners hypothecated the machine, equipments and stocks kept in the business premises at the first petitioner firm. Thereafter it seems that, as per the agreed terms, the loan has not been repaid by the petitioners, with the result, as per the Reserve Bank guidelines, the two loans had become NPA, i.e., Non-performing Assets on 07.12.2012 and 13.01.2013 respectively.

(iii) Even after having declared the said loans to be NPA, no positive action was forthcoming from the petitioners, therefore the respondent Bank had issued a recall notice on 17.01.2013 to the petitioners and thereafter since the overall outstanding was for a sum of Rs.1,93,49,432.62/- as on 31.01.2013, the Bank had issued a notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (herein after referred to as "SARFAESI Act") on 15.02.2013.

(iv) Thereafter the Bank issued a possession notice under Section 13(4) of the said SARFAESI Act on 16.05.2013 and

the said notice seems to have been pasted in the premises of the mortgaged property and it was also published in vernacular and English diary having circulation over the area on 22.05.2013 as per the provisions of the said SARFAESI Act.

(v) Felt aggrieved over the possession notice issued by the Bank, dated 16.05.2013, the petitioners preferred SARFAESI Appeal in S.A.No.95 of 2013 before the Debt Recovery Tribunal, Coimbatore (DRT), where the petitioners preferred I.A.No.473 of 2013, seeking for stay of the said possession notice.

(vi) The Debt Recovery Tribunal having heard the parties, had passed a conditional order of stay, by which, stay was granted on condition that, the petitioners shall pay a sum of Rs.50 lakhs in two instalments on or before 29.06.2013 and 31.07.2013, otherwise the stay granted by the DRT would get automatically vacated.

(vii) The petitioners did pay the first instalment of Rs.25 lakhs, however they could not pay the second instalment of Rs.25 lakhs in time as stipulated by the DRT. Therefore the petitioners filed Interlocutory Application in I.A.No.712 of 2013 and I.A.No.779 of 2013 on two occasions for extension of the time to pay the second instalment, where, the DRT seems to have extended the time in the second Interlocutory Application with condition to deposit a sum of Rs.20 lakhs, in addition to the earlier second instalment conditional amount of Rs.25 lakhs in two instalments on or before 03.09.2013 and 14.09.2013 respectively. Failing to comply the conditions would entitle the Bank to proceed further with SARFAESI proceedings.

(viii) Since the second instalment has not been paid by the petitioners, the Bank proceeded to bring the property in question which has already been mortgaged, for auction, accordingly, a e-auction notice was issued on 24.10.2013 fixing the date of auction as 29.11.2013. At that juncture, the petitioners felt aggrieved over the e-auction notice, had filed I.A.No.1156 of 2013 in the said S.A.No.95 of 2013 challenging the e-auction notice, dated 24.10.2013.

(ix) On hearing the merits of the said Interlocutory Application, the DRT instead of permitting the Bank to proceed with the e-auction notice to bring the entire property which is consisting of a commercial building with five floors, only for the purpose of realising the due payable by the petitioners to the Bank, the DRT permitted that the first floor of the said building can be divided into two and each division / lot, a reserve price of Rs.2.50 crores can be fixed and in the first round, e-auction can be proceeded only in respect of first lot of first floor for Rs.2.50 crores and above and still if the

bank feels that, the dues payable by the petitioners is not fully realised, then it is for the bank to go for auction for the second lot for the same reserve price.

(x) Pursuant to the said order, attempt has been made by the bank, however, the portion of the first floor of the property in question could not be sold in auction, as there had been no prospective buyers. In this regard, the reason attributed by the bank is that, since the entire building complex is having one single access and there is no separate access for each floor and the parking lot is common and the lifts are common, therefore the prospective buyers, after having inspected the property, were getting back, as they did not show any interest in taking the said portion of the first floor as a separate property since the utility of the separated portion in the first floor as directed by the DRT in the order, cannot be made or put into use as desired by the prospective buyers.

(xi) It is also to be noted that, in the meanwhile DRT, Coimbatore also seems to have suggested that, if the petitioners are able to bring a bidder for a worth of a sum of Rs.2.50 crores for half portion of the first floor of the property, the petitioners can do the same. Accordingly, the second notice was issued on 26.10.2013 and as the same was cancelled, as there had been no prospective buyers, yet another e-auction notice on 07.12.2013 was issued by the Bank fixing the auction on 13.01.2014.

(xii) In this context, even though the DRT permitted the petitioners to bring bidders in respect of the first lot of the first floor for Rs.2.50 crores, the petitioners not only had not brought any bidders but also approached this Court by filing writ petition in W.P.No.1252 of 2014, challenging the e-auction notice of the Bank, dated 07.12.2013, wherein the petitioners also seems to have sought for four months time to clear the entire outstanding payable by the petitioners to the first respondent Bank.

(xiii) In the said writ petition, this Court seems to have issued an order permitting the Bank to go head with the e-auction as per notice, dated 07.12.2013, however, it was directed that, the confirmation shall not be made till 29.01.2014. Pursuant to the said order passed by this Court, though steps had been taken by the Bank to go ahead with the e-auction, since there had been no bidders, it was also informed the same before this Court during the hearing of the said W.P.No.1252 of 2014 and therefore recording the same, this Court dismissed the said writ petition on 30.01.2014.

(xiv) Pursuant to the said dismissal of the writ petition, once again e-auction notice, dated 12.02.2014, fixing the auction on 17.03.2014 was issued by the Bank. This time the prospective buyers, though had approached and inspected the property, however had been of the opinion that, the first and second floor of the mortgaged property could not be bought, since there had been no independent access to the said floors, as without having sufficient separate access for the said floors and having a separate a stair case as well as the parking facilities that the properties, i.e., first and second floor cannot be segregated at all as a different lots, hence the buyers had not shown much interest in purchasing the property.

(xv) In that context, as the property as has been directed by the DRT could not be sold by making two lots in the first floor as several attempts though had been made by the Bank, there has been no prospective buyers citing the reason that, there is no separate access, car park, lift and other facilities for those demarcated portion of the first floor, with a view to bring the entire property for auction sale to recover the money from the petitioners, the Bank once again approached the DRT and filed I.A.No.447 of 2014 in S.A.No.95 of 2013 seeking a relief to modify the order, dated 18.11.2013 passed by the DRT, Coimbatore in the said I.A.No.1156 of 2013.

(xvi) It is further to be noted that, when the said I.A.No.447 of 2013 was pending, the petitioners filed I.A.No.850 of 2011 in the said S.A.No.95 of 2013 to appoint an Advocate Commissioner to visit the property and get the building value by noting down the physical feature with the assistance of a competent Government valuer.

(xvii) In the said I.A., the DRT on 30.07.2014 appointed an Advocate Commissioner to note down the physical features of the mortgaged property with the assistance of competent authority from the valuation cell of the Income Tax Commissioner Office and to submit a report within a particular date.

(xviii) The Advocate Commissioner and the District Valuation Officer, Valuation Cell, Income Tax Department filed their respective reports on 10.06.2015. In the said report, details about the building, access, lift facilities, parking facilities etc., had been given by the Advocate Commissioner and the valuation officer estimated the value of the mortgaged property as Rs.11,47,55,000/-. Thereafter further IA has been filed in I.A.No.1288 of 2015 to re-issue the commission of warrant to the Advocate Commissioner to direct him to fix the fair market price and to submit a revised report. However the Tribunal by order, dated 23.06.2016, was not inclined to accept the said prayer. Subsequently, on 02.12.2016, the DRT in the

said I.A.No.447 of 2014, filed by the Bank, has expressed its view that, the Tribunal was not inclined to modify the earlier order passed by the Tribunal in I.A.No.1156 of 2013, dated 18.11.2013 and in this regard if at all the Bank was interested in pursuing the matter for fresh auction of the entire building based on the fresh material which has now been brought in after appointment of Advocate Commissioner and Valuer, it was observed that, the Bank can file fresh permission petition for fresh direction as advised as per law, accordingly, the said I.A.No.447 of 2014 was dismissed by the DRT.

(xix) As a sequel, the Bank preferred I.A.No.1283 of 2017 in the pending S.A.No.95 of 2013 before the DRT seeking for fresh orders for the reasons stated therein to bring auction of the entire property, i.e., the building mortgaged. In the said I.A.No.1283 of 2017, the DRT by order, dated 07.08.2017, has passed a detailed order and ultimately by setting aside the earlier sale notice, dated 26.10.2013 and also modified the order passed by the DRT in I.A.No.1156 of 2013, dated 18.11.2013 and issued a modified order that, the entire schedule mentioned property shall be proceeded with under the SARFAESI Act and while doing so the Bank shall take into account the valuation arrived at by the District Valuation Officer, Valuation Cell, Income Tax Department, Chennai - 6, dated 07.06.2015. Accordingly, the said I.A.No.1283 of 2017 filed by the Bank was ordered. The said order of the Tribunal, dated 07.08.2017 made in I.A.No.1283 of 2017 in S.A.No.95 of 2013 is challenged in the present writ petition.

3. This writ petition came up for admission on 04.10.2017, where the learned counsel appearing for the petitioner raised an issue that, by passing the impugned order, the DRT has reviewed its earlier order, dated 18.11.2013 made in I.A.No.1156 of 2013 and such a review in the absence of any apparent error on the face of the record, could not have been possible for the DRT to make it and therefore, in view of the settled proposition of law in this regard as to how and when a review would be possible for law Courts / Tribunals, the power exercised by the Tribunal in passing the impugned order, by which reviewed the earlier order passed by it, dated 18.11.2013, is impermissible and therefore on that context, even though there is an alternative appellate remedy available under the SARFAESI Act to the petitioners, they have not availed the same and approached this Court by filing the present writ petition.

4. Considering the said submission made by the learned counsel appearing for the petitioner and on prima facie satisfaction with regard to the non-availment of alternative appellate remedy and approaching this Court by way of writ petition invoking the extraordinary jurisdiction of this Court

under Article 226 of the Constitution, this Court has admitted this writ petition by a detailed order, dated 04.10.2017.

5. Thereafter on notice, the respondent Bank appeared before this Court through the learned standing counsel and filed a detailed counter affidavit stating all the aforesaid facts.

6. We have heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the first respondent Bank at length.

7. We have given our anxious consideration for the said submission made by both sides and have perused the materials placed before this Court.

8. The uncontroverted facts of this case are that, the petitioners availed the loan on three occasions from the first respondent Bank. The loan availed on three occasions in three separate loan account had become NPA as on 07.12.2012 and 13.01.2013 respectively. A recall notice therefore was issued by the bank on 17.01.2013 followed by a notice under Section 13(2) of the SARFAESI Act on 15.02.2013 in view of the over all outstanding payable by the petitioners to the Bank as on 31.01.2013 was Rs.1,93,49,432.62/-.

9. Thereafter on 16.05.2013 possession notice under Section 13(4) was issued under the SARFAESI Act by the bank which was challenged in S.A.No.95 of 2013 by the petitioners before the DRT.

10. With the aforesaid uncontroverted facts, it is the case of the petitioners that, even the due claimed by the Bank was only Rs.1,93,49,432.62/-, however the property in question which has been given as mortgage to the bank would be worth about more than Rs.26 crores and therefore for the recovery of the said sum, which is less than Rs.2 crores, whether the entire property worth about Rs.26 crores should be brought for auction. Questioning the said wisdom on the part of the Bank, it seems that, the petitioners approached the DRT by filing S.A.No.95 of 2013.

11. Before the DRT, the petitioners were able to get some interim relief of stay, of course by conditional order, according to which Rs.50 lakhs in two instalments were directed to be paid. Though first instalment had been paid, in respect of second instalment within the time and also within the extended time, it was not paid, therefore the second extension seems to have been given with the further condition to deposit further amount of Rs.20 lakhs. However, the resultant situation was that, the petitioner did not pay the second instalment.

Therefore the further attached condition of the interim order that, in failure of fulfilment of conditional order, Bank would be at liberty to proceed in accordance with the SARFAESI Act, came into effect.

12. Thereafter several attempts seems to have been made by the Bank by issuing e-auction notices and even in the first instance, the DRT gave a direction to explore the possibility of making the first floor of the building / property into two lots for auction sale to realise the due payable by the petitioners, such attempt though had been made by the Bank, it was not fructified, therefore auction could not be taken place.

13. Thereafter the Bank had approached for modification of the order by filing I.A.No.447 of 2014 and the petitioners filed I.A.No.850 of 2014 for appointment of Advocate Commissioner to note down the physical feature and along with the valuer of the Income Tax Department to value the property and file a report to that effect and that attempt of the petitioners also had been ended in success and the Advocate Commissioner as well as the valuer of the IT Department filed a report, where the valuation of the mortgaged property was shown only as Rs.11,47,55,000/-. Thereafter the I.A.No.447 of 2011 filed by the Bank seeking modification of the order, dated 18.11.2013 made in I.A.No.1156 of 2013 was rejected by the DRT with an observation that, it is open to the bank to file fresh application, based on the fresh material brought in.

14. That only triggered the Bank to file the application in question, i.e., I.A.No.1283 of 2017 in S.A.No.95 of 2013, where the incapability of dividing the property for a part sale of portion of the first floor or second floor, due to absence of separate access, car parking, lift and other facilities, the said petition, after having been considered by the DRT, it was ordered through the impugned order, where the DRT has only modified the earlier order passed by it in I.A.No.1156 of 2013, dated 18.11.2013 by permitting the Bank to proceed in accordance with the provisions of SARFAESI Act against the entire schedule mentioned property.

15. In this regard, it is the submission of the learned counsel for the petitioners that, the order impugned is amounting to review of its own order by DRT and such kind of review cannot be made possible without finding any apparent error on the face of the record. The DRT itself since has not found any error in its earlier order, it is not vulnerable for review and therefore the present impugned order made by DRT changing the entire pattern of the earlier order by issuing a new order permitting the bank to proceed against the petitioners in respect of entire property under SARFAESI Act, is completely

against the legal principles which governs the Review.

16. In this context, the learned counsel appearing for the petitioners has relied upon the following decisions :

(i) AIR 2000 SC 1650, Lily Thomas v. Union of India

(ii) (2006) 129 Comp Cas 297 (HP), Ramesh Chand Goyal v. Himalaya Communications (HP)

(iii) (2012) 11 SCC 511, Ram Kishun v. State of U.P.

17. In Lily Thomas case, the learned counsel has relied upon para 57 and would submit that, the scope of the review is possible only with the availability of mistake apparent on the face of record, which cannot be meant that, error which has to be fished out and searched. The relevant portion of para 57 of the said Judgment reads thus :

"We have also not found any mistake or error apparent on the face of the record requiring a review. Error contemplated under the rule must be such which is apparent on the face of the record and not an error which has to be fished out and searched. It must be an error of inadvertence. No such error has been pointed out by the learned Counsel appearing for the parties seeking review of the judgment. The only arguments advanced were that the judgment interpreting Section 494 amounted violation of some of the fundamental rights. No other sufficient cause has been shown for reviewing the judgment. The words "any-other sufficient reason appearing in Order XLVII Rule 1 CPC" must mean "a reason sufficient on grounds at least analogous to those specified in the rule" as was held in Chajju Ram v. Neki Ram AIR 1922 PC 112 and approved by this Court in Moron Mar Baseless Catholics and Anr. v. Most Rev. Mar Poulouse Athanasius and Ors. AIR 1954 SC 526. Error apparent on the face of the proceedings is an error which is based on clear ignorance or disregard of the provisions of law. in T.C. Basappa v. Nagappa and Anr. AIR 1954 SC 440."

18. In Ramesh Chand Goyal's case, the learned counsel relied upon the following para :

"21. One cannot accept the contention of Mr. Ankush Sood, that the present case was only a case of procedural review. The apex court has given examples of cases falling under procedural review. It has held that procedural review can be invoked in cases where the procedure has not been followed.

Examples have been given of cases where notice has not been sent to a party or a matter is heard and decided under the mistaken impression that notice has been sent or where a matter is taken up for hearing on a date other than the date fixed the power of procedural review can be invoked. All these are cases where a party has been deprived of a hearing due to no fault on its part. It is quite apparent that the powers of procedural review can only be invoked where the procedure followed by the court or judicial authority is such that it has committed a procedural illegality or mistake which vitiates the proceeding itself. Review cannot be sought on the merits of the case.

22. In the present case the review was not on any ground or procedural irregularity but solely on the ground that some facts were not brought to the notice of the Board when it passed the earlier order. This is a review on the merits of the case. In our opinion, the Board had no authority to review its earlier order on these grounds. Therefore, the order dated October 5, 2004, has to be set aside in so far as it reviewed the earlier order dated July 26, 2004."

and would submit that, if at all any procedural irregularity found, review could be made, however for certain new facts, which have not been brought into, the review would not be possible. Therefore here in the case in hand, since the DRT found that, I.A.No.447 of 2014 can be dismissed and in lieu thereof, a fresh IA can be filed by the Bank in view of the new materials brought in and accordingly, the present I.A was allowed by reviewing the earlier order, therefore it is amount to review without any procedural irregularity and only based on subsequent factors. Therefore on that ground if the principle of Ramesh Chand Goyal is applied the DRT would have no such power to make such a review and therefore the impugned order cannot be sustained, he has contended.

19. The learned counsel also relied upon Ram Kishan v. State of U.P's case cited supra, by relying upon para 23 and 24, which reads thus :

"23. In Ambati Narasayya v. M.Subba Rao, AIR 1990 SC 119 (SCC p.696, para 9) this Court dealt with a case where in execution of a money decree for Rs.2400 the land was sold for Rs.17,000. The Court set aside the sale

observing that there is a duty cast upon the Court to sell only such property or a portion thereof as necessary to satisfy the decree. (See also Takkaseela Pedda Subba Reddi v. Pujari Padmavathamma, (1977) 3 SCC 337 and S.Mariyappa v. Siddappa, (2005) 10 SCC 235.). 24. Thus, in view of the above, it is evidence that law requires a proper valuation report, its acceptance by the authority concerned by application of mind and then fixing the reserve price accordingly and acceptance of the auction bid taking into consideration that there was no possibility of collusion of the bidders. The authority is duty-bound to decide as to whether sale of part of the property would meet the outstanding demand. Valuation is a question of fact and valuation of the property is required to be determined fairly and reasonably."

20. We are in complete agreement and infact respectfully follow the dictum of the Hon'ble Apex Court in the said Judgments referred to above, especially in Lily Thomas case and Ram Kishun case. However the facts of the present issue, in our considered opinion, cannot be brought under the category of Review.

21. The reason being that, initially the petitioners approached the DRT by filing I.A.No.1156 of 2013 challenging the e-auction notice, dated 24.10.2013. Only in the said I.A, on the basis of the stand taken by the petitioners that, the property in question would be worth about Rs.26 crores, therefore for a small amount comparing with the said cost, i.e., for Rs.1 crore and 93 lakhs due payable by the petitioners, the entire property cannot be brought in for sale and therefore accepting the said stand taken by the petitioners, the DRT gave a direction to the Bank to divide the first floor of the said building into two portion each will have the reserve price of Rs.2.5 Crores and if the sale of the first lot of the first floor does not fetch the required amount equal to the due payable to the Bank, it can go for the second lot.

22. In fact this arrangement had not been questioned by the petitioners, as there had been no appeal on the side of the petitioners against the said order passed in I.A.No.1156 of 2013, dated 18.11.2013.

23. Since the said order had become completely unworkable, as several attempts though had been made by the bank to sell the

divided portion in the first floor, due to various reasons including the non availability of separate access, separate car parking facility, separate lift etc., there had been no prospective buyers and accordingly the bank was triggered to file I.A.No.447 of 2014 and during the pendency of the said I.A, the petitioners filed I.A.No.850 of 2014, where Advocate Commissioner was appointed, Valuer was appointed, after having visited the property, they filed a report, valued the property to the extent of Rs.11,47,55,000/-. Only thereafter at the time of considering the I.A.No.447 of 2014 finally the DRT suggested to file a fresh permission petition for fresh directions and accordingly, dismissed I.A.No.447 of 2014. Only in that context and in that circumstances, the bank filed the present I.A.No.1283 of 2017 and the said I.A has now been allowed by modifying the earlier order passed by the DRT on 18.11.2013 in I.A.No.1156 of 2013.

24. Therefore the present order, which is impugned herein, cannot be said to be an order in Review. If at all any order passed in original and the said order in original had been passed with some error apparently on the face of the record, Review would normally be allowed to be taken place and in absence of any such error apparently on the face of the record, Review would not normally be entertained.

25. Only on these proposition, the petitioners wanted to project their case to state that, the present impugned order is nothing but a review without having any apparent error on the face of the record and therefore, the Tribunal is not empowered to make such a review.

26. However on complete reading of the impugned order, we are of the considered view that, the DRT at no point of time had passed any order detrimental to the interest of any party having allowed an error apparently on the face of the record to crept in.

27. The DRT, only on the basis of the petitioners request, instead of permitting the bank to proceed under SARFAESI Act against the entire property, permitted to explore the possibility of selling a portion of the property to recover the due or realise the due. Since the same has been proved impractical or impossible, the DRT had modified its order, dated 18.11.2013 and permitted the Bank to proceed in accordance with SARFAESI Act.

28. The right of the bank to proceed in accordance with SARFAESI Act is the right conferred under the said Act and in this regard, the DRT has not given any new right to the Bank to proceed under the SARFAESI Act.

29. Moreover the very DRT itself has stated in the impugned order that, the earlier order passed in I.A.No.1156 of 2013, dated 18.11.2013 is also modified to the effect that, the entire schedule mentioned property shall be proceeded with under the SARFAESI Act.

30. By virtue of this order, the DRT has not reviewed any order passed by it earlier, only as a suggestive measure the earlier order has been passed on 18.11.2013 to explore the possibility of selling the portion of the property to realise the due and since that become impossible for variety of reasons, the right conferred on the Bank under the SARFAESI Act has been permitted to be exercised. Therefore the modification become necessity and that was done by the Tribunal, i.e., DRT in the order impugned. Therefore, since the very impugned order is not at all an order of review, the Judgments cited by the learned counsel appearing for the petitioners, cannot be made applicable to the facts of the present case, as those Judgments cannot advance the case of the petitioners.

31. In view of the aforesaid facts and circumstances and the discussion made above, we are of the considered opinion that, the order impugned made by the second respondent DRT, does not require any interference from this Court, therefore the same is to be sustained.

With the result, this writ petition fails and accordingly, the same is dismissed. No costs. Consequently, the order of stay granted by this Court in W.M.P.No.27006 of 2017, which was extended until further orders, is hereby vacated and the said W.M.P is also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

tsvn

Sub Assistant Registrar

To

1. The Presiding Officer
Debt Recovery Tribunal,
Coimbatore.
2. The Authorised Officer
Karur Vysya Bank Ltd.,
439, Dr.Nanjappa Road,
Coimbatore - 18.

W.P.No.25605 of 2017

VGN-II (CO)
SSM(04/11/2019) .