

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.32043 of 2018 and
W.M.P.Nos.37295 and 37297 of 2018

1. M/s. Ajith Associates Pvt. Ltd.,
Vrindavan,
Opp. Women's Association Hall,
Diwans Raod, Kochi - 682 016
Represented by tis Managing Director
B.R. Ajith
2. B. R. Ajith
3. Devi Ajith ... Petitioners

v.

1. Housing & Urban Development Corporation Limited,
HUDCO Bhavan,
Indian Habitat Centre,
New Delhi
Represented by the Assistant Law Officer,
HUDCO Regional Office,
KSHB Commercial-cum-Residential Complex,
Pattom Junction,
Thiruvananthapuram
2. The Registrar,
Debt Recovery Appellate tribunal,
Indian Bank Circle Office,
4th Floor, No.55, Ethiraj Salai
Chennai - 600 008. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue of Writ of Certiorari, calling for the records of the 2nd respondent in AIR No.107 of 2018, dated 26.9.2018 and quash the same.

For Petitioner : Mr.T.R.Sundaram

For Respondent : Mrs. Deepa Hari Govind - for R1
R2 - Tribunal

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

Challenging the order passed in O.A.No.42 of 2001 on the file of Debts Recovery Tribunal-I, Ernakulam, the petitioners filed an appeal in AIR No.107 of 2018 before the Debt Recovery Appellate Tribunal, Chennai.

2. The Debt Recovery Appellate Tribunal, by order dated 23.08.2018, directed the petitioners to make pre-deposit of Rs.1 crore in two installments of Rs.50 lakhs each for entertaining the appeal. The Appellate Tribunal, directed the petitioners to make the pre-deposit of Rs.50 lakhs within four weeks from 23.08.2018 and the balance sum of Rs.50 lakhs within four weeks thereafter. Subsequently, the petitioners filed an application in I.A.No.922 of 2018 seeking for extension of time and the Debt Recovery Appellate Tribunal, by order dated 26.09.2018, dismissed the application. Challenging the order dated 26.09.2018, the petitioners have filed the above Writ Petition.

3. The learned counsel appearing for the petitioners submitted that the petitioners are willing to make a pre-deposit of Rs.1.10 crore before the Debt Recovery Appellate Tribunal in two installments and that the petitioners are having a sum of Rs.50 lakhs by Demand Draft ready with them. The learned counsel further submitted that the petitioners may be granted six weeks time for making the balance payment of Rs.60 lakhs.

4. The learned counsel appearing for the 1st respondent has no objection for granting such time.

5. In view of the submissions made by the learned counsel on either side, we modify the order passed in AIR No.107 of 2018, by directing the petitioners to make a pre-deposit of Rs.1.10 crore instead of Rs.1 crore in two installments. Accordingly, the petitioners are directed to make a pre-deposit of Rs.50 lakhs within one week from the date of receipt of a copy of this order and the balance amount of Rs.60 lakhs within six weeks from the date of receipt of a copy of this order.

With these modifications, the Writ Petition is disposed of.
No costs. Consequently, the connected Miscellaneous Petitions
are closed.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Assistant Law Officer,
Housing & Urban Development Corporation Limited,
HUDCO Bhavan,
Indian Habitat Centre,
New Delhi
HUDCO Regional Office,
KSHB Commercial-cum-Residential Complex,
Pattom Junction,
Thiruvananthapuram
2. The Registrar,
Debt Recovery Appellate tribunal,
Indian Bank Circle Office,
4th Floor, No.55, Ethiraj Salai
Chennai - 600 008.

+1 cc to M/s.T.R.Sundaram, Advocate, S.R.No.61119

+1 cc to M/s.Deepa Hari Govind, Advocate, S.R.No.61174

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RR (CO)
SSM(23/07/2019)

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