

HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HONOURABLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.4780 OF 2019

ORDER: *(Per Hon'ble Sri Justice V. Ramasubramanian)*

Aggrieved by a conditional order passed by the Debts Recovery Tribunal (DRT), for the grant of stay, the petitioner came up with the above writ petition.

2. Finding that the conditional order was passed pursuant to an undertaking given by the petitioner, we passed an interim order on 11.03.2019, which reads as follows:

“Heard Mr. P. Gangaiah Naidu, learned Senior Counsel for the petitioner. Mrs. V. Dyumani, learned counsel, takes notice for the bank.

By the order impugned in this writ petition, the DRT has merely asked the petitioner to honour the commitment made in paragraph No.2 of the petitioner's own affidavit before the DRT. In paragraph No.2 of the affidavit filed before the DRT, the petitioner has undertaken to pay the bid amount in thirty (30) days with bank interest. The affidavit was sworn on 25.02.2019. The period of thirty (30) days would expire only on 27.03.2019. Therefore, the petitioner is obliged to be bound by their own affidavit filed before the DRT. Hence, the time granted by the DRT for payment of the bid amount is extended till 27.03.2019.

Call on 28.03.2019 for reporting compliance.”

3. But, even by the date fixed by us, the petitioner failed to comply with the order.

4. We gave one more opportunity for the petitioner by our order, dated 29.03.2019. It reads as follows:

“Learned counsel for the petitioner seeks time finally for two (2) weeks to pay the entire bid amount. In order to give the petitioner a last chance, the petitioner is given time up

to 15.04.2019 to pay the amount. If the amount is not paid on or before 15.04.2019, the Bank may confirm the auction.

Post for reporting compliance on 16.04.2019.”

5. Even now the petitioner has not complied with the order. The learned counsel sought one more week’s time. But, the chances given at least on two occasions have not been made use of by the petitioner.

6. Therefore, the Writ Petition is dismissed. However, there shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

V. RAMASUBRAMANIAN, J

T. AMARNATH GOUD, J

April 16, 2019

Mgr