



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.R.P.No. 789 of 2020
and C.M.P.No.4223 of 2020

M/s.State Bank of India,
Stressed Asset Management Branch,
Rep. by its Authorized Officer and
Assistant General Manager,
R.Krishnakumar,
Raja Plaza, First Floor,
No.1112, Avinashi Road,
Coimbatore - 641 037.

... Petitioner/1st Respondent

Vs

1.KCP.Shivraman

2.The Chief Metropolitan Magistrate,
Egmore, Chennai - 600 008. ... Respondents/applicant &
2nd Respondent

Prayer : Civil Revision Petition filed under Article 227 of the
Constitution of India against the order dated 12.02.2020 passed
in I.A.No.154 of 2020 in S.A.No.39 of 2020 on the file of DRT-
II, Chennai.

For Petitioner : Mr.M.L.Ganesh

For Respondents : Mr.G.Desingu for R1
Notice Sent - R2



ORDER

(Order of the Court was made by M.M.SUNDRESH,J)

WEB COPY

This Civil Revision Petition has been filed under Article 227 of the Constitution of India, challenging the interim order granted by the Debts Recovery Tribunal-II, Chennai in I.A.No.154 of 2020 in S.A.No.39 of 2020.

2. The learned counsel appearing for the petitioner submitted that the order passed cannot be sustained in the eye of law. The outstanding due is Rs.173 crores. The Tribunal has not considered the facts in the right perspective. Even on the question of law, there is nothing much to argue before the Tribunal. This Court, in the order dated 18.03.2020 in C.R.P.No. 790 of 2020 has already dealt with the issue qua the appointment of Advocate Commissioner. Therefore, the petition will have to be allowed.

3. The learned counsel appearing for the first respondent submitted that the issue raised in S.A.No.39 of 2020 is multiple in nature. Though the issue pertaining to Advocate Commissioner has been settled by this Court, there are other issues pending. In any case, the order challenged is only an interim order granted in I.A.No.154 of 2020. The said I.A.No.154 of 2020 itself has not been disposed of. Further, the main application filed in S.A.No.39 of 2020 is pending. Therefore, this Court need not exercise the power under Article 227 of The Constitution of India.

4. Considering the above, we are of the view that it would be appropriate to dispose of S.A.No.39 of 2020 itself, though we find that a very lenient view has been taken by the Tribunal in imposing the condition. However, as stated, it would be appropriate to dispose of S.A.No.39 of 2020 particularly keeping in mind the role required to be played by the Court against the order passed by the competent authority under Section 14 of the SARFAESI Act, 2002. Thus, we call upon the Debts Recovery Tribunal - II, Chennai to dispose of S.A.No.39 of 2020 within a period of eight weeks from the date of receipt of a copy of this order.

5. It is well open to the petitioner to bring it to the notice of the Tribunal the non-compliance of the conditional order passed by it, prior to obtaining stay from this Court. We may note that any order passed by us on merit would certainly have a bearing on the main application filed in S.A.No.39 of



2020. Therefore, we are not inclined to go into the other issues at this stage.

6. With the above direction, the Civil Revision Petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

mmi/ssm
To

The Debts Recovery Tribunal II, Chennai

+1 cc to Mr.M.L.Ganesh Advocate sr24379
+1 cc to Mr.G.desingu Advocate sr24430

C.R.P.No. 789 of 2020

aa07/07/2020