IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.12643 OF 2011
AND
M.P.NO.1 OF 2011

R.Venkatesan

...Petitioner

Vs

1. Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat,
Chennai - 9.

2. The Deputy Registrar of Chits,
Office of the District Registrar,
Trichy.

3. Shriram Chits Tamil Nadu (P) Ltd.,
Represented by its Manager,
Shri Complex,
No.21, Madurai Road,
Trichy.

4. R.C.Natarajan

... Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the first respondent dated 21.04.2011 in Letter No.2519/G/2011-1 and quash the same and direct the first respondent to consider the petitioner's appeal filed under Section 70 of the Chit Funds Act 1982 in accordance with law.

For Petitioner : Mr.T.Vidyasagar
For Mr.M.Govindarajan

For Respondents : Mr.C.Selvaraj
Additional Government Pleader
[For R1 and R2]

Mr.K.V.Ananthakrishnan
[For R3]

No appearance [For R4]

ORDER

The Order passed by the 1st respondent in proceedings dated 21.04.2011, rejecting the appeal filed by the writ petitioner under Section 70 of Chit Funds Act 1982 is under challenge in the present writ petition.

2. The petitioner joined as an Agent in the office of the 3rd respondent/Chit Fund company. He was promoted to the post of Development Officer. The 4th respondent had joined as a Subscriber in of the Chit run by the 3rd respondent Company. The 4th respondent committed a default and the 3rd respondent initiated action as per the terms and conditions. A.R.C proceedings were initiated in A.R.C.No.432 of 2007 and an award was passed on 13.12.2007. Challenging the said award, the petitioner preferred an appeal under Section 70 of the Chit Funds Act before the 1st respondent / Secretary to Government after a delay of three years and the 1st respondent has rejected the appeal on the ground that, the petitioner has not adduced any valid reasons or produced documentary evidences to establish the delay in filing the appeal.

3. This Court is of the considered opinion that any reasonable delay may be condoned for entertaining an appeal. However, if the delay in filing an appeal is enormous, the person, who is filing an appeal must establish the reason for delay and such reason must be an acceptable one. In the absence of any reasons, the long delay of three years in filing the appeal cannot be condoned and thus, the order impugned is in consonance with the established principles and there is no infirmity as such.

4. Consequently, the writ petition stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

nti/kak

To

1. The Secretary to Government,
   Government of Tamil Nadu,
   Commercial Taxes and Registration Department,
   Secretariat,
   Chennai - 9.

2. The Deputy Registrar of Chits,
   Office of the District Registrar,
   Trichy.

+1cc to Mr.M.Govindaraju, Advocate, S.R.No.62355

+1cc to Mr.K.V.Ananthakrishnan, Advocate, S.R.No.62073

+1cc to the Government Pleader, S.R.No.61984

W.P.No.12643 of 2011

SSI(CO)
RLP(08/12/2021)