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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.Nos.16020 and 16030 of 2021

The Asst General Manager,
State Bank of India,
Stressed Assets Management Branch,
No.1112, 1st Floor, Raja Plaza,
Avinashi Road, Coimbatore 641 037.
(CT Amended as per order dated
03.08.2021 in W.P.No.16020/21, 16030/21)

...Petitioner in
both WPs.

Vs.

1.The Registrar,
DRT, Coimbatore.

...1st Respondent in
both WPs.

2.M/s.Current Trends,
Rep. by its Partner,
Sri.S.Krishna Kumar.

...2nd Respondent in
W.P.No.16020/2021

2.M/s.Pioneer Feeds and Poultry
Products Pvt. Ltd.,
Rep. by Official Liquidator,
Corporate Bhavan, 2nd Floor,
No.29, Rajaji Salai, Chennai 600 001.

...2nd Respondent in
W.P.No.16030/2021

Prayer: Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to dispose of OA.Nos.123 of 2011 and 80 of 2009 filed under Section 19 of Recovery of Debts and Bankruptcy Act by the petitioner bank and S.A.No.7 of 2016 filed by the 2nd respondent, within a time frame as fixed by this Honble Court.

For the Petitioner
in both WPs.

:

Mr.M.L.Ganesh

For the Respondents
in both WPs.

:

R-1 Tribunal
Mr.S.R.Sundar for R-2



COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The present petitions are part of the increasing number of matters where banks and financial institutions complain of the inordinate delay on the part of the specialised forum constituted by law to take up bank claims, to dispose of a matter.

2. Despite bank claims being taken out of civil courts with much fanfare in or about 1993, first with an ordinance and thereafter with the Recovery of Debts due to Banks and Financial Institutions Act, 1993, the realisation of bank dues was found not to have improved much; whereupon further committees were appointed and reports were sought. There was originally a Tiwari Committee report and thereafter, a first report by the Narasimham Committee and a second report by the Narasimham Committee before the NPA Act, now known as the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, came to be promulgated and authority given to secured creditors to proceed against the securities furnished before any adjudication on the debt due could take place.

3. It appears that the Debts Recovery Tribunals and the Appellate Tribunals under the 1993 Act, which has now been re-named as the Recovery of Debts and Bankruptcy Act, 1993, and the Act of 2002 have far too many matters than may conveniently be dealt with or disposed of.

4. Pursuant to the order dated August 3, 2021, the Registrar of the DRT, Coimbatore has filed a report. A litany of excuses has been resorted to in an attempt to explain the delay in dealing with this bank's pending claims.

5. Without going into the reasons proffered, the DRT, Coimbatore is requested to ensure that O.A.No.123 of 2011 is disposed of as expeditiously as possible and, preferably, within six months of receipt of a copy of this order.

6. As far as O.A.No.80 of 2009 and S.A.No.7 of 2016 are concerned, the DRT would do well to ensure that such proceedings are disposed of within the same period of six months from the date of receipt of this order.

7. The Presiding Officer of Debts Recovery Tribunals should be vigilant that matters are taken up chronologically. There appears to be a quality in Indian climatic conditions where certain matters tend to disappear from view. Surely the malaise can be adequately addressed by a specialised body, better funded by the Union and obviously instructed by latest technology.



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W.P.Nos.16020 and 16030 of 2021 are disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

sra

To

The Registrar,
Debts Recovery Tribunal,
Coimbatore.

+1cc to Mr.B.Rabu Manohar, Advocate SR.No.43244

+1cc to Mr.S.R.Sundar, Advocate SR.No.43170

W.P.Nos.16020 and 16030 of 2021

NRJK(CO)
RVM(07/09/2021)