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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11212 of 2014 and
M.P.No.1 of 2014

V.Murugan

...Petitioner

Vs

1.Government of Tamil Nadu,
Rep. by its Secretary,
Commercial Taxes and Registration (G) Department,
Fort St. George, Chennai-600 009.

2.The Arbitrator of Chits,
Central Chennai Chit Fund Cases,
26, Rajaji Salai, 1st Line Beach,
Chennai-600 001.

3.Sriram Chits Tamil Nadu Limited,
F-41, 1st Floor, Main Road,
Anna Nagar, Chennai 600 040.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 1st Respondent in G.O.(D)No.34 dated 31.01.2014 confirming the order passed in A.R.C.No.170 of 2011 dated 16.06.2011 on the file of the 2nd Respondent and quash the same.

For Petitioner : Mr.D.Bhakthavachalababu

For Respondents : Mr.C.Selvaraj (for R1 & R2)
Additional Government Pleader

Mr.T.Jayakumar (for R3)

O R D E R

The Government Order issued in G.O.(D)No.34, Commercial Taxes and Registration (G) Department, dated 31.01.2014



rejecting the appeal filed by the petitioner under Section 70 of the Chit Funds Act, 1982 on the ground of delay is under challenge in the present writ petition. It is not in dispute that the petitioner was a subscriber under the third respondent Chit Company and he joined the chit on 31.10.2007. The petitioner was a successful bidder and bidded the amount of Rs.1,72,000/-.

2.The learned counsel for the third respondent made a submission that the petitioner has committed a default in repayment of installments and therefore they are instituted a proceedings by filing ARC.No.170 of 2011. The petitioner remained exparte and an exparte award was passed by the Arbitrator.

3.The petitioner challenged the Arbitration award before the Government under Section 70 of the Chit Funds Act and the Government rejected the appeal on the ground that the said appeal was filed after a delay of 2 years, 3 months and 18 days. Perusal of the order reveals that award of the Arbitrator in ARC.No.170 of 2011 has been passed on 16.06.2011.

4.The petitioner raised several grounds before the Government in the appeal. The Government verified the records and provided an opportunity to the petitioner by conducting an enquiry. The learned counsel for the petitioner also appeared before the appellate authority. It was contended that no summons or notices were got served up to the petitioner for the dates mentioned in the Arbitration order by any one of the modes specified in the rule for any one of the hearings before the learned Arbitrator of Chits, Central Chennai. However, it is submitted that the petitioner was issued a notice to appear at City Civil Court on 08.10.2012 and thus the petitioner appeared on 08.10.2012 to get justice.

5.The petitioner was attending the Court proceedings in E.P.No.3557 of 2012 on the file of IXth City Civil Court, Chennai and the above E.P. was on enquiry stage. When the E.P. proceedings wherein progress, the petitioner filed an appeal before the Government. Under those circumstances, the appellate authority drew the factual inference that the petitioner had a knowledge about the award and the E.P. proceedings and therefore the grounds stated in the appeal are untenable. This apart, the appeal itself was preferred after a delay of 2 years, 3 months and 18 days.

6.This being the factum, this Court is not inclined to consider the writ petition as the petitioner has not diligently pursued the remedy available to him under law. Thus, the writ



petition stands dismissed. No costs. Connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vs/nti

To

1.Government of Tamil Nadu,
Rep. by its Secretary,
Commercial Taxes and Registration (G) Department,
Fort St. George, Chennai-600 009.

2.The Arbitrator of Chits,
Central Chennai Chit Fund Cases,
26, Rajaji Salai, 1st Line Beach,
Chennai-600 001.

+1 cc to Mr.V.G.Suresh Kumar, Advocate Sr.NO. 58123

+1 cc to Government Pleader Sr.NO. 58537

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SPD(CO)

A.SK(26.11.2021)