



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4477 of 2022
and
W.M.P.No.4597 of 2022

State Bank of India
Rep. by its Assistant General Manager,
Stressed Asset Management Branch,
Red Cross Building, Monteith Road,
Egmore, Chennai-8.

..Petitioner

vs

1. Manmohan Singh Jain
2. Atul Jain
3. M/s.Ezhil Chemicals Private Limited
Rep. by its Director, Mr.V.Senthil Kumaran.
4. Kiran Det Chems Asia Pvt Limited,
Rep. by its Director, Mr.V.Senthil Kumaran
5. Kiran Global Chems Limited,
Rep. by its Interim Resolution Professional.
6. M/s.Anak Exports Private Limited
Rep. by its Director, Mr.Sanjay A Wadhawa.
7. M/s.Tech India Infoway Pvt Limited,
Rep. by its Director, Mr.Sathay Kumar.

..Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the Ld. Debt Recovery Tribunal-I, Chennai in S.A.No.235 of 2021 and S.A.No.247 of 2021, quash the order dated 31.12.2021 passed vide Common Order dated 31.12.2021 in S.A.No.235 of 2021 and S.A.No.247 of 2021.

Common Order dated 31.12.2021 in S.A.No.235 of 2021 and S.A.No.247 of 2021 :

These SA's are filed under Section 17 of the Securitisation



and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), herein after to be referred to as act impugning the same proceedings initiated by the respondent and since the contentions taken by the applicant in both Sas are one and same, these matters are decided together.

For the Petitioner : M/s.Vidyalakshmi Vipin
for Indialaw LLP

For the Respondents : Mr.A.S.Balaji for RR 1 to 4
: RR 5 and 7 - vacated.
: No appearance for R-6

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

It is stated by the learned counsel for the parties that an appeal has been filed before Debts Recovery Appellate Tribunal against the order of the Debts Recovery Tribunal and the Debts Recovery Appellate Tribunal is now functional. In view of the above, the petitioner may press the appeal before the Debts Recovery Appellate Tribunal. It is more so when a notice came to be issued by the Debts Recovery Appellate Tribunal and served on the private respondents.

Accordingly, this writ petition is disposed of with liberty to the petitioner bank to press the appeal and the interim order passed by this Court on 02.03.2022 shall continue during the pendency of the appeal before the Debts Recovery Appellate Tribunal, as agreed by the parties. No costs. Consequently, W.M.P.No.4597 of 2022 is closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The Debts Recovery Tribunal-I,
Chennai.



2. The Assistant General Manager,
State Bank of India
Stressed Asset Management Branch,
Red Cross Building, Monteith Road,
Egmore, Chennai-8.

WEB COPY

+1cc to Mr.India Law LLP, Advocate, S.R.No.26669

W.P.No.4477 of 2022

AD(CO)
RGA(25/04/2022)