

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Fourth day of January Two Thousand Twenty Two

PRESENT

THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

WMP No.27972 of 2021

IN WP.No.4359 of 2020

1 M/S.MAHAN TEXTILE PROCESS INDIA (P) LTD., [PETITIONERS]
REPRESENTED BY ITS MANAGING DIRECTOR
A.MAHALINGAM, 47(D) 4, KANGAYAM MAIN ROAD,
TIRUPUR 641 604

2 A.MAHALINGAM
S/O. APPUSAMY, MANAGING DIRECTOR OF
M/S MAHAN TEXTILE PROCESS INDIA (P) LTD.,
NO.7, KARUVAMPALAYAM EXTENSION,
2ND STREET, TIRUPUR 641 604

3 M.KALAISELVI
W/O.A.MAHALINGAM,
NO.7, KARUVAMPALAYAM EXTENSION,
2ND STREET, TIRUPUR 641 604.

VS

1 THE AUTHORIZED OFFICER, [RESPONDENTS]
THE TAMIL NADU INDUSTRIAL INVESTMENT
CORPORATION (TIIC) LTD.,
TIRUPUR BRANCH, KUMARAN SHOPPING COMPLEX,
II FLOOR, NEAR RAILWAY STATION,
KUMARAN ROAD, TIRUPUR 641 601

2 M/S SMALL INDUSTRIES DEVELOPMENT
BANK OF INDIA
REPRESENTED BY ITS BRANCH MANAGER,
1ST FLOOR, K.S.N COMPLEX,
NO.74, J.G.NAGAR, 60 FEET ROAD,
TIRUPUR 641 602

3 THE AUTHORIZED OFFICER AND CHIEF MANAGER,
INDIA SME ASSET RECONSTRUCTION COMPANY LTD (ISARC)
1004, 10TH FLOOR NAMAN CENTER,
PLOT NO. C31, G BLOCK, BANDRAKURLA COMPLEX,
BANDRA, MUMBAI 400 051

4 R.NAGARAJ,
SON OF RANGASAMY
NO.241/2, E.B.COLONY,
GANDHI NAGAR,
TIRUPPUR - 641 603.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to extend the time granted by this Honourable Court in WP.No.4359/2020 dated 07/01/2021 completing the adjudication in S.A.No.73 of 2020 on the file of the Debt Recovery Tribunal, Coimbatore (IN WMP No.27972/ 2021).

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M.L.RAMESH, Advocate for the petitioner and of MR.BALAJI THIRUMOORTHY, Advocate for the 4th Respondent, the court made the following order:-

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

An application has been filed by the applicants to seek an extension of time for disposal of S.A.No.73 of 2020 pending before the Debts Recovery Tribunal, Coimbatore.

2. Learned counsel appearing for the applicants submitted that a direction was given by the Debts Recovery Tribunal, Coimbatore to move an application for extension of time before this Court.

3. On enquiry, it has been stated that the next date fixed by the Debts Recovery Tribunal is in March, 2022. It is, thus, evident that the direction of this Court has not been complied with and no seriousness to the order for compliance has been shown. The Debts Recovery Tribunal has thus flouted the order of this Court. In case the Debts Recovery Tribunal has any difficulty in complying the direction of this court, it is for the concerned Debts Recovery Tribunal to approach this court seeking extension of time. We find that the Debts Recovery Tribunal, Coimbatore has not given any reason for non-compliance of the order of this Court dated 07.01.2021. In view of the above, we are taking suo motu cognizance in the matter for initiation of contempt proceedings. Let notice of contempt be issued to the Presiding Officer of the Debts Recovery Tribunal, Coimbatore, for non-compliance of the order of this Court dated 07.01.2021 made in W.P.No.4359 of 2020.

4. The Debts Recovery Tribunal, Coimbatore has flouted the direction of this Court dated 07.01.2021 and even no seriousness for its compliance has been shown. Accordingly, the Registry is directed to register a suo motu contempt petition and issue notice to the Presiding Officer of the Debts Recovery Tribunal, Coimbatore. The notice would be sent in the personal name of the Presiding Officer, Debts Recovery Tribunal, Coimbatore, making it returnable on 01.02.2022. The suo motu contempt petition would be listed before this Court on 01.02.2022.

5. In view of the suo motu contempt proceedings taken against the Presiding Officer of the Debts Recovery Tribunal, Coimbatore, we are not inclined to accept the prayer of the applicants for extension of time, as no justifiable reason has been given for extending the time and extension of time cannot be made on the request of the parties to the proceedings before the Debts Recovery Tribunal, but could have been on the request of the Debts Recovery Tribunal.

6. Accordingly, W.M.P.No.27972 of 2021 is dismissed, which is otherwise also not maintainable.

-sd/-

04/01/2022

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE DEBT RECOVERY TRIBUNAL,
COIMBATORE.

Order
in
WMP No.27972 of 2021

IN WP.No.4359 of 2020

Date :04/01/2022

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
TP(05/01/2022)