



W.P.No.32814 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32814 of 2022

Indian Bank,
rep. by its Manager,
Pappanaickenpalayam,
Coimbatore.

.. Petitioner

vs

1.The Recovery Officer,
DRT Coimbatore,
No.1670, Cauvery Complex,
Trichy Road, Ramanathapuram,
Coimbatore-45.

2.A.R.Venugopal @ R.Venugopal
Prop. M/s.N.V.N.Bricks,
6/40, Siruvani Main Road,
Alandurai PO-641 101,
Coimbatore.

3.Dr.M.Sri Thirumalairaja
4.Jotheeswaran
5.Jothimani
6.Archana
7.Bindu Sri



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8.Harish

9.R.Natarajan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records pertaining to the order dated 30.4.2019 passed by the Debts Recovery Appellate Tribunal, Chennai in R.A.No.156 of 2017 and quash the same.

For the Petitioner : Mr.Jayesh B Dolia
for M/s.Aiyar and Dolia

ORDER

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

This writ petition has been filed by the petitioner challenging the impugned order dated 30.4.2019 passed in R.A.No.156 of 2017 by the Debt Recovery Appellate Tribunal, Chennai.

2. Mr.Jayesh B Dolia, learned counsel appearing for the petitioner bank, assailing the impugned order, submitted that the borrower has got a right of redemption to redeem the property and the petitioner bank does not have any objection thereto. However, a direction has been given by the Appellate Tribunal to refund the money paid by the auction-purchasers with an additional direction to the



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petitioner bank to pay interest thereon, which is impermissible and untenable. Therefore, this writ petition has been filed for a limited purpose to interfere with the direction directing the petitioner bank to pay interest when the Recovery Officer has not deposited the amount with the bank and has instead kept the money in the current account.

3. The aforesaid argument of learned counsel for the petitioner does not appeal to us for the following reasons. The Recovery Officer has initiated the sale proceedings only on behalf of the petitioner bank and had deposited the amount received from the auction purchasers in the current account, instead of depositing it in an interest bearing account. The Recovery Officer, acting in good faith, ought to have deposited the amount in an interest bearing account. However, a bona fide error on his part, cannot be a ground to deprive the auction-purchasers of the benefit of interest which is due to them. Apart from the above, the Debt Recovery Appellate Tribunal, Chennai, has also directed the borrower to deposit a sum of Rs.2 lakh to compensate the auction-purchasers suitably. We, therefore, do not find any infirmity in the order under challenge.



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4. For the foregoing reasons, the writ petition fails and the same is dismissed. There will be no order as to costs. Consequently, W.M.P.Nos.32219 and 32220 of 2022 are closed.

(T.R., ACJ.) (D.B.C., J.)
08.12.2022

Index : Yes/No
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To:

The Recovery Officer,
DRT Coimbatore,
No.1670, Cauvery Complex,
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Coimbatore-45.



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T.RAJA, ACJ.
AND
D.BHARATHA CHAKRAVARTHY, J.

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