



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.05.2022**

CORAM :

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**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.9859 of 2022
and
W.M.P.(MD).No.7081 of 2022

M/s.Sakthi Industries,
Represented by its Proprietor,
N.Sakthivel,

... Petitioner

Vs.

1. The Debt Recovery Tribunal,
4th Floor, Kalyani Tower,
Melur Road, Madurai.

2. The Authorized Officer,
City Union Bank Limited,
Credit Recovery and Management Department,
No.24-B, Gandhi Nagar,
Kumbakonam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned retender-cum-auction sale notice in proceedings in C.O/REC/NPA/2022, dated 10.05.2022 issued by the second respondent and quash the same as illegal.

For Petitioner : Mr.AN.Ramanathan
For R-2 : Mr.S.Sivakumar,
Standing Counsel

O R D E R

(Order of the Court was made by ABDUL QUDDHOSE, J.)

This Writ Petition has been filed on account of the non-availability of the Presiding Officer before the Debt Recovery Tribunal, Madurai.



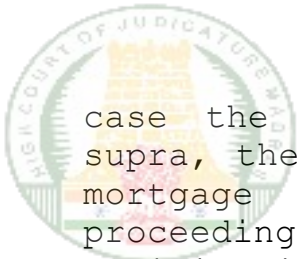
2. The petitioner has earlier challenged before the Debt Recovery Tribunal, the sale notice issued under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as "the SARFAESI Act") and by order dated 25.02.2022, the Debt Recovery Tribunal directed the petitioner to pay a sum of Rs.18,00,000/- (Rupees Eighteen Lakhs only) to the respondent Bank in two installments. The first installment of Rs.9,00,000/- (Rupees Nine Lakhs only) should be paid on or before 25.03.2022 and the second installment of Rs.9,00,000/- (Rupees Nine Lakhs only) should be paid on or before 22.04.2022. The petitioner has complied with the order in so far as the first installment is concerned by paying a sum of Rs.9,00,000/- (Rupees Nine Lakhs only) on or before the stipulated date. In so far as the second installment is concerned, the petitioner has filed an extension application before the Debt Recovery Tribunal seeking extension of time for paying the second installment of Rs.9,00,000/- (Rupees Nine Lakhs only) on account of his financial constraint. The said application was filed on 22.04.2022 before the Debt Recovery Tribunal. Since there is no Presiding Officer before the Debt Recovery Tribunal, the petitioner has approached this Court by filing this writ petition.

3. The learned counsel for the petitioner, on instructions, would submit that the petitioner is willing to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) on or before the sale date which is scheduled to taken place on 01.06.2022 and thereafter, pay the balance amount of Rs.4,00,000/- (Rupees Four Lakhs only) within a period of eight weeks thereafter.

4. The learned counsel for the second respondent Bank who has entered appearance has also not raised any serious objections for the said submission made by the learned counsel for the petitioner.

5. This Court is of the opinion that since the petitioner is not seeking for a long time to make the balance payment, extension for making payment in compliance with the order dated 25.02.2022 passed by this Court can be granted in favour of the petitioner.

6. After recording the rival submissions, this writ petition is disposed of by directing the petitioner to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) on or before 01.06.2022 to the second respondent Bank and thereafter, pay a sum of Rs.4,00,000/- (Rupees Four Lakhs only) on or before 01.07.2022. On payment of the sum of Rs.5,00,000/- (Rupees Five Lakhs only) on or before 01.06.2022 by the petitioner, the sale under the impugned auction notice dated 10.05.2022 shall stand stayed. In



case the petitioner defaults in making the payment as stated supra, the second respondent Bank is granted liberty to bring the mortgage property for sale by initiating fresh SARFAESI proceedings. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The Debt Recovery Tribunal,
4th Floor, Kalyani Tower,
Melur Road, Madurai.
2. The Authorized Officer,
City Union Bank Limited,
Credit Recovery and Management Department,
No.24-B, Gandhi Nagar,
Kumbakonam.

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-23838[F] dated 19/05/2022)

ORDER MADE IN
W.P (MD) No. 9859 of 2022
18.05.2022

USK/26.05.2022/3P/4C