



W.P(MD)No.12674 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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and

W.M.P.(MD)Nos.9415 and 9416 of 2019

Debts Recovery Tribunal Mdurai Bar Association (DRTMBA),
A Registered Society (Regn.No.45/2016),
Rep.by its Secretary,
M.Senthil Kumar,

... Petitioner

Vs.

1.The Union of India,
Rep.By its Secretary to Government,
Department of Economic Affairs,
Ministry of Finance(Banking Division),
Room.No.129-B, Jeevan Deep Building,
Parliament Street, New Delhi – 110001.

2.The Registrar,
Debts Recovery Tribunal,
III Floor, Kalyani Towers,
4/162,Madurai Melur Road,
Madurai- 625 107.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents to
accept the payment of Court fee through Demand Draft - Postal Order as per



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Rule 7 of debts Recovery Tribunal (Procedure) Rules 1993 & Rule 13 of Security Interest (Enforcement) Rules 2002 and forbearing the respondents from insisting payment of court fee only through the online portal NTRP.

For Petitioner : Mr.V.Veerapandian

For Respondents : Mr.S.Svakumar,
Central Govt. Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a registered association representing the legal practitioners practicing in Debts Recovery Tribunal, Madurai. Their grievance is as regards the notice dated dated 04.05.2018 issued by the second respondent. The said notice advises the litigants and the legal practitioners to use the non-tax revenue portal for fee payments to the maximum extent possible. The petitioner has rightly not challenged the said notice. The notice is advisory in nature. That apart, it only calls upon the users to use NTRP to the maximum extent possible.



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3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4.The respondents filed counter affidavit and also typed set of papers. The learned standing counsel took me through their contents. The learned standing counsel would emphasis the fact that except in the case of Madurai Debts Recovery Tribunal, in all other cases, the litigants and legal practitioners are using NTRP portal for all fee payments.

5.After carefully considering the rival contentions, I am inclined to grant the relief as prayed for primarily for the reason that Rule 7 of Debts Recovery Tribunal (Procedure) Rules 1993 and Rule 13 of Security Interest (Enforcement) Rules 2002 expressly permit payment of fees through a crossed bank demand draft drawn on bank or Indian post order in favour of the Registrar of the Tribunal and payable at the place where the Tribunal is situated. I wanted to know from the respondents, if the Rules have been amended. It is not in dispute that the rules have not been amended. When the Rules have not been amended, the litigants and the counsels cannot be denied the facility of making payment through demand draft/postal order as per the



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petition mentioned Rules. It is however stated by the petitioner's counsel that the practitioners have substantially switched over to making payment through the said portal. Only under the exceptional circumstances, they are constrained to make payment through demand draft or postal order. Such situation arises when there is server issue and when the limitation is about to expire. This submission made by the learned counsel for the petitioner that they have substantially switched over to making payment through the portal is recorded.

6. Subject to this, the second respondent is directed to accept the payment of court fee through demand draft / postal order as per Rule 7 of Debts Recovery Tribunal (Procedure) Rules 1993 and Rule 13 of Security Interest (Enforcement) Rules 2002. The writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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