



WP No.10381 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

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

WP No.10381 of 2023

A.T.Maideen

: Petitioner

Vs

The Authorized Officer cum Chief Manager
Union Bank of India
55/6, McNichols Road
Buckingham Terrace
Chetpet, Chennai-600 031.

: Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondent to pay cost awarded throughout and interest accrued as claimed towards compensation amounting to Rs.2,86,32,370/- (Rupees Two Crore Eighty Six Lakhs Thirty Two Thousand Three Hundred and Seventy only) and applicable property tax plus 18 percent interest till the date of realization.

For the Petitioner : Mr.S.Feroz Khan

For the Respondent : Mr.R.Gowthamanarayanan

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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Feroz Khan, learned counsel for the petitioner and Mr.R.Gowthamanarayanan, learned counsel for the respondent.

2. The learned counsel for the petitioner submits that the petitioner is awarded cost by the Debt Recovery Appellate Tribunal. The said cost is not paid by the respondent. Learned counsel submits that the respondent may be directed to pay cost awarded throughout and interest accrued, as claimed towards the compensation amount of Rs.2,86,32,370/- (Rupees Two Crore Eighty Six Lakhs Thirty Two Thousand Three Hundred and Seventy only) and applicable property tax plus 18% interest till date of realisation.

3. Learned counsel for the respondent bank submits that the cost has been paid.



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4. The Debt Recovery Appellate Tribunal has allowed the claim of the petitioner with cost throughout. As per Section 19 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (hereinafter referred to as 'the Act') if the Debts Recovery Tribunal, Debt Recovery Appellate Tribunal or the High Court holds that the possession of secured asset by the secured creditor is not in accordance with the provisions of the Act and rules and directs the secured creditor to return such secured asset to the concerned borrower, on an application under Section 17 or 17A or appeal under Section 18 or 18A as the case may be, the borrower or such other person shall be entitled to payment of such compensation and costs, as may be determined by such Tribunal or Court of District Judge or Appellate Tribunal or the High Court referred to in Section 18B of the Act.

5. Section 18B of the Act referred to in Section 19 of the Act would be restricted to the borrower residing in the State of Jammu and Kashmir.



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6. Be that as it may, to award cost and interest, as the case may be, is the discretion of the Debts Recovery Tribunal or Debt Recovery Appellate Tribunal. The same cannot be awarded in a separate proceedings. If the petitioner has been awarded with cost by the Debt Recovery Appellate Tribunal, the petitioner may recover the same as provided under the Act by filing appropriate application.

7. With the aforesaid observation, the writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

02.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKEVALU, J.

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