



WEB COPY

W.P.No.13604 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13604 of 2013
and
W.M.P.No.29733 of 2018

K.Ravi @ Madasamy

... Petitioner

Vs.

1.The Secretary to the Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai – 9.

2.The Deputy Registrar of Chits / Arbitrator,
Tuticorin.

3.Shriram Chits Tamil Nadu (P) Ltd.,
Balavinayagar Koil Street,
Tuticorin – 628 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorari, to call for the records of award passed in A.R.C.No.10 of 2010 dated 18.10.2010 on the file of the 2nd respondent which was confirmed in G.O.(D) 530, Commercial Taxes and Registration (G) Department dated 03.12.2012 on the file of the 1st respondent and quash the same.



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For Petitioner	: Mr.P.Jesus Moris Ravi
For R1 & R2	: Mr.Abishek Murthy Government Advocate
For R3	: Mr.K.V.Anantha Krishnan

ORDER

The writ petitioner has been filed challenging the award passed in A.R.C.No.10 of 2010 dated 18.10.2010 and the order passed by the 1st respondent confirming the award in G.O.(D).No.530, Commercial Taxes and Registration (G) Department dated 03.12.2012.

2. The petitioner subscribed chits with the 3rd respondent vide Chit Group No.05001, ticket No.14. The total value of the chit amount was Rs.50,00,0000/-. The monthly subscription was Rs.1,25,000/- for 40 months. The chit commenced on 31.07.2007. The petitioner participated in the auction conducted on 16.03.2009, the 20th instalment. He was the successful bidder for Rs.39,40,000/-.



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3. The petitioner committed default in repayment of the chit amount and the 3rd respondent Chit Fund Company initiated Arbitration proceedings.

An award was passed on 18.10.2010 in A.R.C.No.10 of 2010. The petitioner failed to file an appeal within the time limit prescribed. However, he preferred an Appeal before the 1st respondent after a lapse of about 1 year and 8 months. The 1st respondent provided an opportunity to the writ petitioner to explain the delay. Since the learned counsel, who appeared for the petitioner requested adjournment, the 1st respondent found that there is no reason to grant such adjournment and the petitioner has not explained the delay for filing an Appeal. Since the delay was unexplained, the 1st respondent rejected the Appeal.

4. Pertinently, the petitioner availed the chit amount in the year 2010 and the award in A.R.C.No.10 of 2010 was also passed on 18.10.2010. He preferred an appeal before the 1st respondent after a lapse of 1 year and 8 months, which was rejected. Thereafter, he filed a writ petition in the year 2013 and now almost another 10 years had lapsed and till today the petitioner has not repaid the chit amount taken by him.



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5. The abuse of judicial process by committing a default at no circumstances be encouraged by the Courts. By keeping the writ petition pending for long years, no person can be allowed to take undue advantage of the delay or otherwise. In the present case, appeal was filed after a lapse of 1 year and 8 months and the unexplained long delay cannot be condoned by the 1st respondent in a routine manner. Thus, this Court do not find any infirmity in respect of the order passed by the 1st respondent in G.O.(D).No.530 dated 03.12.2012.

6. It is not in dispute that an opportunity was provided to the petitioner to explain the delay. However, the petitioner failed to avail the opportunity and thus, the appellant authority passed the final order. Therefore, the award became final and the petitioner is bound to settle the amount in terms of the award passed. Even in the present writ petition, the petitioner has not provided sufficient reason for the purpose of condoning the long delay in preferring an Appeal. Thus, this Court is not inclined to consider the relief as such sought for in the present writ petition.



7. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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2.The Deputy Registrar of Chits / Arbitrator,
Tuticorin.



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S.M.SUBRAMANIAM, J.

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