



W.P.Nos.29269, 29274, 29277 to 29281 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.29269, 29274, 29277 to 29281 of 2023

W.P.No.29269 of 2023

1. Manrish Textiles Corporation (Partnership firm)
B-3301/3302, Imperial Heights
Best Colony, Goregaon West
Mumbai 400 104.

2. Raajev Narain

3. Savitha Narain

4. Raajeev Narain, HUF

5. Mars Overseas Textiles
B-3301/3302, Imperial Heights
Best Colony, Goregaon West
Mumbai 400 104.

6. Raajeev Narain-Kartha

7. Amitaabh Naaraayan

8. Rishie Naaraayan

.. Petitioners

Vs.



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Bank of Baroda
Madurai Main Branch
5, East Avani Moola Street
Madurai 625 001.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari to call for the records relating to R.A.No.8 of 2015 on the file of Debt Recovery Appellate Tribunal, Chennai and quash the order dated 31.07.2018 made therein and consequently, dismiss the T.A.No.1 of 2011 on the file of the Debts Recovery Tribunal, Coimbatore.

For the Petitioners : Mr.S.Thangavel

For the Respondent : Mrs.Revathi Manivannan

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Thangavel, learned counsel for the petitioners and Mrs.Revathi Manivannan, learned counsel for the respondent.

2. The respondent bank had filed Original Application No.194 of 2000 before the Debts Recovery Tribunal.

3. Learned counsel for the petitioners submits that the



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petitioners had filed counter-claim and set off. The Debts Recovery Tribunal had appointed a Panel Chartered Accountant of the bank as an Auditor. Against the final order passed by the Debts Recovery Tribunal, the petitioners filed an appeal before the Debt Recovery Appellate Tribunal. The Debt Recovery Appellate Tribunal set aside the order of Debts Recovery Tribunal and directed the Debts Recovery Tribunal to decide the Original Application on the basis of the materials available on record, within sixty days.

4. Learned counsel submits that the Original Application before the Debts Recovery Tribunal is still pending.

5. According to learned counsel for the petitioners, no clear order is passed by the Debts Recovery Tribunal with regard to the counter-claim or set off filed by the petitioners. When the order of the Debts Recovery Tribunal itself is set aside, the whole matter is open for arguments, i.e. claim made by the bank and the counter-claim/set off filed by the petitioners.



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6. Considering the fact that O.A.No.194 of 2000 filed by the bank, which was subsequently numbered as T.A.No.1 of 2011, is of the year 2000 and that the Debt Recovery Appellate Tribunal has directed the Debts Recovery Tribunal to conclude the same within six months, which order is passed in the year 2018, we expect the Debts Recovery Tribunal to take up the matter on priority basis and shall endeavour to conclude the proceedings within six months.

7. The writ petitions are disposed of. There will be no order as to costs. W.M.P.Nos.28884, 28892, 28897, 28902, 28898, 28901 and 28903 of 2023 seeking permission to file a single writ petition are allowed and disposed of. Consequently, W.M.P.Nos.28888 and 28886 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

12.10.2023

Index : Yes/No

Neutral Citation : Yes/No

kpl



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