



WP No.4212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM :

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

AND

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

WP No.4212 of 2023

and

WMP Nos. 4250, 5696, 5693, 5695,
5692, 5694 and 9047 of 2023

1. M/s.Mangal Royal Jewels
Rep. by its Authorized Signatory,
Mr.Ajit Jain, No.401, Sheela Niwas,
Ramabai Chemburkar Marg,
Vile Parle, Mumbai 400 057.
2. M/s.Mangal Bullion Pvt. Ltd.,
Rep .by its Authorized Signatory,
Mr.Ajit Jain, No.301, 3rd Floor,
Konark Royal, Ramabai Chemburkar Marg,
Vile Parle, Mumbai 400 057.

.. Petitioners

-VS-

1. Canara Bank,
Ambattur SME Branch,
Padi, Chennai 600 050.
2. The Debt Recovery Tribunal-III,
6th Floor, Additional Office Building,
Shastri Bhavan, Haddows Road,
Chennai 600 006.



WP No.4212 of 2023

3. The Joint Director,
Directorate of Enforcement,
O/o.Jt. Director, Chennai Zonal Office,
2nd and 3rd Floor, Murugesan Naicker
Complex, 84, Greaves Road,
Chennai 600 006.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records in and connected with order made in Original Application in O.A.No.424 of 2014 dated 11.07.2019 on the file of 2nd respondent and the recovery certificate emanating therefrom in D.R.C.No.392 of 2019 dated 17.12.2019, quash the same qua these petitioners as the order was passed imposing the entire loan liability on the petitioners being without authority of law and in violation of principles of natural justice.

For the Petitioners : Mr.C.Mani Shankar
Senior Counsel
for Mr.S.Krishnanandh

For the Respondents : Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.
for R-1

: R-2 Tribunal

: Mr.N.Ramesh for R-3

* * * * *



WP No.4212 of 2023

ORDER

WEB COPY

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.C.Manishankar, learned senior counsel for the petitioners.

2. The learned senior counsel submits that the recovery certificate issued by the Debts Recovery Tribunal (DRT) is in the teeth of the order passed by this Court in CMA Nos.1581 and 1582 of 2017 dated 29.08.2019 and upheld by the Apex Court. According to the learned senior counsel, the liability of the present petitioners does not arise. The petitioners were directed to give a bank guarantee which has already been furnished.

3. We have heard Mr.P.Raghunathan, learned counsel for the respondent bank.

4. In the proceedings before the Presiding Officer, DRT, the present petitioners remained absent and the matter proceeded in the absence of the present petitioners and the order is passed.



WP No.4212 of 2023

5. Substantive remedies are provided to the petitioners under the provisions of the Recovery of Debts due to Banks and Financial Institutions Act, 1993. The petitioners have multifarious remedies available. In view of the fact that substantive remedies are available to the petitioners, we are not inclined to go into the merits of the contentions raised in the present petition.

6. We dispose of the writ petition with liberty to the petitioners to avail the alternate remedies as may be permissible under law. In that event, all the contentions are kept open.

7. The learned senior counsel for the petitioners submits that the question of delay would arise. It is for the petitioners to raise a plea of Section 14 of the Limitation Act as may be permissible under law.

There will be no order as to costs. Connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

06.07.2023

Index : yes/no

Page 4 of 6



WP No.4212 of 2023

Neutral Citation : Yes/No
sra

WEB COPY

To:

1. Canara Bank,
Ambattur SME Branch,
Padi, Chennai 600 050.
2. The Debt Recovery Tribunal-III,
6th Floor, Additional Office Building,
Shastri Bhavan, Haddows Road,
Chennai 600 006.
3. The Joint Director,
Directorate of Enforcement,
O/o.Jt. Director, Chennai Zonal Office,
2nd and 3rd Floor, Murugesan Naicker
Complex, 84, Greaves Road,
Chennai 600 006.



WEB COPY



WP No.4212 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(sra)

WP No.4212 of 2023

06.07.2023