IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-03-2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.26331 of 2012
And
MP No.1 of 2012

Mr.D.Srinivasan .. Petitioner

vs.

1.The Government of Tamil Nadu,
Represented by the Secretary to Government,
Commercial Taxes Department,
Fort St. George,
Chennai-600 009.

2.The Registrar of Chits,
Chennai North,
George Town,
Chennai.

3.M/s.Shriram Chits Tamil Nadu (P) Ltd.,
No.365, T.H.Road,
Old Washermenpet,
Chennai-600 021. .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, calling for the records relating to the impugned order of the first respondent herein in Letter No.2029/G/2011-1, dated 18.04.2011 and the Award passed by the second respondent in ARC No.1313 of 2008 on 28.09.2019 and set aside the same.

For Petitioner	:	Mr.S.Shinu
For Respondents-1 and 2	:	Mr.Abishekmurthy, Government Advocate.
For Respondent-3	:	Mr.S.Prabhu for Mr.M.Devendran

ORDER

The present writ petition has been instituted to quash the order of the first respondent dated 18.04.2011 rejecting the appeal filed by the writ petitioner on the ground of delay.

2. Admittedly, the petitioner subscribed to chit for a value of Rs.10 lakhs in Chit Group No.84001 vide Ticket No.25. The chit was for a period of 40 months payable at the maximum rate of Rs.25,000/- per month. The petitioner had become prized subscriber in the auction of the chit held on 17.10.2007 and he had participated in the auction on account of certain urgent needs.

3. The learned counsel for the petitioner states that he was paying the monthly subscriptions and due to unavoidable circumstances, the petitioner committed default.

4. Action initiated by the third respondent and the Arbitrator adjudicated the issues and passed an Award in ARC No.1313 of 2008 dated 28.09.2010. Against the Award passed by the Arbitrator, the petitioner preferred an appeal under Section 70 of the Chit Funds Act, 1982 before the

first respondent-Government.

5. The Government rejected the appeal on the ground that there was a delay of 133 days in filing the appeal and the petitioner has not given any valid reason for condoning the delay in preferring the appeal.

6. The learned counsel for the petitioner states that there was no delay and the delay calculated by the first respondent is incorrect.

7. The learned counsel appearing on behalf of the third respondent objected the said contention raised on behalf of the petitioner by stating that the delay was calculated based on the date on which the Award was made ready and the petitioner has not given any valid reason for the purpose of condoning the delay of 133 days. Thus the appeal was rightly rejected.

8. This Court provided an opportunity to the writ petitioner that in

the event of depositing the arrears of chit amount in the credit of the Execution Petition, this Court would be in a position to consider the case of the petitioner for remanding the matter. However, the learned counsel for the petitioner states that the petitioner has already paid the amount, which is lying with the respondents. Thus the petitioner is not in a position to pay any further amount.

9. This being the stand taken by the writ petitioner, this Court is not inclined to consider the present writ petition. The Award was passed on 28.09.2010 and 13 years have lapsed. The Government appeal was rejected on 18.04.2011 and the present writ petition is pending for the past about 10 years. The Execution Petition has already been filed by the third respondent, which is also pending for the past about 10 years.

10. Considering the facts and circumstances, this Court is of the opinion that no further leniency can be shown to the petitioner to repay the chit amount as per the conditions.

11. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

20-03-2023

Speaking Order/Non-Speaking Order.
Neutral Citation : Yes/No.
Internet : Yes/No.
Index: Yes/No.
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To

1.The Secretary to Government,
Government of Tamil Nadu,
Commercial Taxes Department,
Fort St. George,
Chennai-600 009.

2.The Registrar of Chits,
Chennai North,
George Town,
Chennai.

S.M.SUBRAMANIAM, J.

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