



WEB COPY



W.P.No.8599 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8599 of 2023

B.K.Dilli

.. Petitioner

Vs

1.The Authorized Officer,
Sundaram Home Finance Limited,
Sundaram Towers,
46, Whites Road,
Royapettah, Chennai.

2.B.Karthik

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the Debts Recovery Tribunal-II, Chennai to dispose of T.S.A.No.182 of 2023 transferred from DRT-I, Chennai in S.A.No.6 of 2022 within the time fixed by this Court.



WEB COPY



W.P.No.8599 of 2023

For the Petitioner

: Mr.D.Selvam
for Mr.P.Krishnan

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

B.K.Dilli, son of Kamalanathan, having borrowed a sum of Rs.13.50 lakh from the first respondent bank in the year 2013, suffered classification of his account as non-performing asset in view of the default committed by him as a consequence of the Covid-19 pandemic which drastically affected his life. He has filed this writ petition for issuance of a writ of mandamus directing the Debts Recovery Tribunal-II, Chennai to dispose of T.S.A.No.182 of 2023 which was filed assailing the sale notice dated 1.10.2021 and the e-auction that took place on 25.10.2021.

2. Learned counsel for the petitioner submitted that when notice issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for brevity, "*the Act of 2002*"] was responded by the petitioner seeking some time to pay the amount, sale notice dated 1.10.2021



W.P.No.8599 of 2023

was issued by the first respondent claiming Rs.18,41,748/- as on 1.10.2021, fixing the reserve price of the property at Rs.40.00 lakh. Without acceding to the request of the petitioner, e-auction sale was held on 25.10.2021 at 17.30 hours and the second respondent, who offered Rs.40,05,000/-, was declared as the successful bidder.

3. Learned counsel for the petitioner urged that since the property worth several crores has been sold away at a lesser price, the petitioner has been put to immense prejudice. In support, learned counsel for the petitioner has drawn our attention to the photographs annexed to the writ petition.

4. Adding further, learned counsel submitted that challenging the sale notice, the petitioner has filed S.A.No.6 of 2022 before the Debts Recovery Tribunal-I, Chennai on 25.12.2021 and the same was later on transferred to the file of the Debts Recovery Tribunal-II, Chennai and numbered as T.S.A.No.182 of 2023. However, the said T.S.A.No.182 of 2023 has not been listed for hearing till date.



W.P.No.8599 of 2023

Hence, the petitioner has been advised to file the present writ petition.

5. As could be seen from the records, challenging the sale notice dated 1.10.2021, the petitioner has filed S.A.No.6 of 2022 before the Debts Recovery Tribunal-I, Chennai way back on 25.12.2021 and subsequently, in view of the notification dated 4.10.2022 of the Ministry of Finance, S.A.No.6 of 2022 was transferred to the file of Debts Recovery Tribunal-II, Chennai and numbered as T.S.A.No.182 of 2023.

6. Section 17(5) of the Act of 2002 contemplates disposal of the application filed under Section 17 of the Act within a period of 60 days and the outer limit for disposal of such application is four months. In the case on hand, the SA filed by the petitioner is kept pending for almost one-and-half years.

7. One of the arguments raised by learned counsel for the petitioner before us is that the sale certificate has been issued as



W.P.No.8599 of 2023

though it is a vacant land, when pucca two-storied building has been built up by the petitioner.

8. Considering the pendency of the matter before the Debts Recovery Tribunal-II, Chennai for almost one-and-half years, which runs contrary to the mandate of Section 17(5) of the Act of 2002, we hereby direct the Debts Recovery Tribunal-II, Chennai to dispose of T.S.A.No.182 of 2023 pending on its file within a period of two months from the date of receipt of a copy of this order on merits and in accordance with law.

9. With the above observation and direction, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.8771 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
21.03.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr



W.P.No.8599 of 2023

WEB COPY

To:

The Authorized Officer,
Sundaram Home Finance Limited,
Sundaram Towers,
46, Whites Road,
Royapettah, Chennai.

Copy to:

The Registrar,
Debts Recovery Tribunal-II,
Chennai.



WEB COPY



W.P.No.8599 of 2023

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

bbr

W.P.No.8599 of 2023

21.03.2023