



W.P.No.24400 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM :

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

AND

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

W.P.No.24400 of 2023

R.Ravi
Petitioner

..

Vs

- 1.The Presiding Officer,
Debts Recovery Tribunal I Chennai,
7th Floor, Additional Office Buildings,
Shastri Bhavan, Egmore,
Chennai-600 006.
- 2.Asset Reconstruction Company
(India) Limited (ARCIL),
rep. by its Authorised Officer,
Registered Office: "The Ruby", 10th Floor,
29, Senapati Bapat Marg,
Dadar (West), Mumbai-400 028.
- 3.Chettinad Academy of Research and Education,
rep. by its Authorised Signatory,
Regd. Office at: Chettinad Towers, 5th Floor,
No.503, Anna Salai,
Chennai-600 006.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the second respondent to register the property of the petitioner in favour of the third respondent in pursuant to the auction sale held on 03.03.2023 till the disposal of the Appeal RA (SA) Diary Number 1130 of 2023 against the first respondent (DRT-I, Chennai) order in SA No.4 of 2023 dated 19.07.2023.

For the Petitioner : Mr.N.L.Rajah
Senior Counsel
for Mr.B.Gurumurthy

For the Respondents : Mr.Srinath Sridevan
Senior Counsel
for Ms.Sella Shanbhag
for respondent No.2

: Mr.M.S.Krishnan
Senior Counsel
for respondent No.3

ORDER

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

We have heard Mr.N.L.Rajah, learned Senior Counsel for the petitioner; Mr.Srinath Sridevan, learned Senior Counsel for respondent No.2 and Mr.M.S.Krishnan, learned Senior Counsel for



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respondent No.3.

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2. Learned Senior Counsel for the petitioner submits that against the order passed by the Debts Recovery Tribunal, the petitioner has filed an appeal before the Debt Recovery Appellate Tribunal on 14.08.2023. The appeal is registered, but not taken up for hearing. Learned Senior Counsel further submits that though the Debts Recovery Tribunal came to the conclusion that the sale conducted is defective and held that the sale notice is violative of Rule 9(1) of the Security Interest (Enforcement) Rules, 2002, still imposed further condition as if exercising power under Article 226 of the Constitution of India.

3. Learned Senior Counsel for the second respondent submits that, in fact, the petitioner has already filed an appeal. The petitioner has also filed review application to review the order passed by the Debts Recovery Tribunal and the same is also dismissed. The petitioner, on 25.07.2023, had written to the bank that the petitioner is ready to deposit the entire amount



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outstanding. On 9.8.2023, the petitioner applied to the bank seeking details.

4. We have considered the submissions made by the respective learned Senior Counsels.

5. The appeal is already filed by the petitioner and pending with the Debt Recovery Appellate Tribunal. In view of the above, it will not be appropriate to consider the contentions of the respective parties on merits. At this stage, we are not inclined to give any finding, as that would be pre-empting the decision of the Debt Recovery Appellate Tribunal.

6. Learned Senior Counsel for the auction-purchaser has submitted that the sale certificate is not taken on file and for that purpose the auction-purchaser has filed a writ petition and the same is also pending.

7. Be that as it may, so as to give a fair opportunity, the



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authorities may not register and/or take on file the sale certificate for a period of two weeks from today.

8. Needless to state, on lapse of two weeks, the protection granted by this Court shall come to an end. The protection is granted so as to enable the petitioner to seek necessary orders from the Debt Recovery Appellate Tribunal.

9. With these observations, the writ petition is disposed of. Consequently, W.M.P.No.23831 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

18.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

The Presiding Officer,
Debts Recovery Tribunal I Chennai,
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Chennai-600 006.



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

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