



W.P.No.25874 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM :

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

AND

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

W.P.No.25874 of 2023

R.Darshika

.. Petitioner

Vs.

1. The Registrar
Debts Recovery Tribunal-3, Chennai
6th Floor, Additional Office Building
Shastri Bhavan, Haddows Road
Nungambakkam, Chennai 600 006.
2. The Authorised Officer
Union Bank of India
Stressed Asset Management Branch
No.38 & 39, Whites Road
Royapettah, Chennai 14.
3. M/s. BKR Hotels and Resorts Pvt. Ltd.
Rep. by its Liquidator R.Venkatakrisnan
No.22, Sarojini Street
T.Nagar, Chennai 17.

4. D.R.Balakrishna Raja

5. K.Chidambara Nataraj

.. Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the first respondent to register the Securitisation Application of the petitioner in Diary No.4102/2023 dated 10.07.2023 with respect to the aggrieved sale notice dated 27.09.2022.

For the Petitioner : Mr.S.Kamalakannan
For Ms.K.Jayasudha

ORDER
(Made by the Hon'ble Chief Justice)

Heard Mr.S.Kamalakannan, learned counsel for Ms.K.Jayasudha,
learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that the petitioner has filed a Securitisation Application under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 challenging the auction sale. The application is not registered on the ground that it is beyond 45 days. According to learned counsel, though Section 5 of the Limitation Act does not apply, Section 6 onwards of the Limitation Act would apply.



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3. It is for the petitioner to plead and agitate before the Presiding Officer of the Debts Recovery Tribunal as to whether the application is within limitation or not. The Presiding Officer of the Debts Recovery Tribunal may hear the petitioner on the aspect of limitation and pass orders on its own merits.

4. The writ petition is disposed of.

(S.V.G., CJ.)

(P.D.A., J.)

05.09.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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

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