



W.P.Nos.7973, 7974 and 7976 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.7973, 7974 and 7976 of 2024

1. Mohammed Saffiullah
2. Sakira Banu A.S. .. Petitioners in all W.Ps
Vs.

1. The Authorised Officer
Canara Bank
MID Corporate Branch
105 – 106, West Ponnuram Road
R.S.Puram, Coimbatore – 641 002. .. Respondent in all W.Ps

Prayer in W.P.No.7973 of 2024: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Debt Recovery Appellate Tribunal to dispose of I.A.No.162 of 2024 in AIR.No.228 of 2024 filed by the petitioners seeking waiver of pre condition deposit;

Prayer in W.P.No.7974 of 2024: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Debt Recovery Appellate Tribunal to dispose of I.A.No.162 of 2024 in AIR.No.229 of 2024 filed by the petitioners seeking waiver of pre condition deposit;

Prayer in W.P.No.7976 of 2024: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Debt Recovery Appellate Tribunal to dispose of I.A.No.160 of 2024 in AIR.No.227 of 2024 filed by the petitioners seeking waiver of pre condition deposit.



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For the Petitioners
in all W.Ps

: Mr.Jayesh B.Dolia
Senior Counsel
and Mr.Kalyanaraman
for M/s.Aiyar and Dolia

COMMON ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.Jayesh B. Dolia, lerned Senior Counsel and
Mr.Kalyanaraman, learned counsel appearing for M/s.Aiyar and Dolia
for the petitioners.

2. The petitioners have filed applications before the Debt Recovery Appellate Tribunal [in short, "DRAT"] for waiver. The petitioners were directed to deposit Rs.19 crores in two installments in one matter and Rs.14 crores in two installments in the other two matters. The first installment of Rs.9.50 crores in W.P.No.7973 of 2024 was to be deposited on or before 28.02.2024 and in the other two matters, Rs.7 crores each were to be deposited on or before 28.02.2024. The same were not deposited.

3. The learned Senior Counsel for the petitioners submits that



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because of Covid-19, the business of the petitioners came to a standstill. The petitioners are yet to come out of the losses suffered during the Covid-19 pandemic. Some more time may be granted to the petitioners to deposit the amount. The immovable property of the petitioners is sold at a paltry sum by the bank.

4. We asked the learned Senior Counsel that the first installment, which was due and payable by 28.02.2024, would be paid by 27.03.2024, that is sum of Rs.9.50 crores in W.P.No.7973 of 2024, and in other writ petitions sum of Rs.7 crores each. The learned Senior Counsel submits that it would not be possible for the petitioners to make payment of such huge amount. At least 4 weeks' time may be granted to deposit the said amount.

5. We cannot exercise our discretion if the petitioners are not ready to even pay the first installment as directed by the DRAT before the date of sale. The *bonafides* have to be shown to deposit the amount. The same would be by deposit of the first installment, which is only 25% of the amount claimed by the bank under Section 13(2) of



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the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

6. In light of the above, as the petitioners are not in a position to deposit even the first installment, even if extension is granted till 27.03.2024, we are not inclined to exercise our discretion. The writ petitions, as such, stand disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.8942, 8944 and 8946 of 2024 are closed. W.M.P.Nos.8941, 8943 and 8945 of 2024, petitions filed to permit the petitioners to file single petition stand allowed, inasmuch as the petitioners have paid separate set of court fees.

(S.V.G., CJ.)

(D.B.C., J.)

22.03.2024

Index : Yes/No
Neutral Citation : Yes/No

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

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