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WP.No.10039/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.10039/2024 & WMP.No.11045/2024

1.The Comfort Inn
rep.by its Managing Partner
Mr.V.Lakshmi Ramanan
11, Binny Compound
Sabari Salai, Kumaran Road
Tiruppur 641 601.

2.Mr.V.Lakshmi Ramanan

... Petitioners

Vs.

1.The Authorized Officer
Indian Overseas Bank
Regional Office, Salem-4.

2.The Branch Manager
Indian Overseas Bank
Tiruchengodu, Namakkal District.

3.The Registrar
Debt Recovery Appellate Tribunal [DRAT]
7th Floor, Additional Office Building



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Shastri Bhawan, Haddows Road
Chennai 600 006.

4.The Technical Director
Project Monitoring Unit-National Informatics
Centre, [PMU-NIC], e-DRT
National Informatics Centre
A-Block, CGO Complex,
Lodhi Road, New Delhi 110 003.

5.The Secretary
Department of Financial Services
Ministry of Finance, 3rd Floor
Jeevan Deep Building,
Sansad Marg, New Delhi 110 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 4th respondent to rectify the error incurred in filing MA [Miscellaneous Appeal] against the order of DRT in MA.No.344 of 2022 passed by the Debts Recovery Tribunal, Coimbatore and consequently, direct the 3rd respondent to take on file the aforesaid MA and number the same in view of the Memo filed by the petitioner dated 15.11.2023.

For Petitioner	: Mr.P.Tamilavel
For RR1 & 2	: Ms.A.Sahanaj Khanam for Mr.F.B.Benjamin George
For RR 3 to 5	: Mr.A.R.Sakthivel



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

(1) The present writ petition has been filed seeking for issuance of a Writ of mandamus to direct the 4th respondent to rectify the error incurred in filing MA [Miscellaneous Appeal] against the order of DRT in MA.No.344 of 2022 passed by the Debts Recovery Tribunal, Coimbatore and consequently, direct the 3rd respondent to take on file the aforesaid MA and number the same in view of the Memo filed by the petitioner dated 15.11.2023.

(2) The facts relating to the financial facilities that were sanctioned in favour of the petitioners in the year 2005 are not in dispute. The petitioners had challenged the proceedings initiated under SARFAESI Act vide SA.No.1/2008 which was dismissed for default. Since the petitioner was not aware of dismissal till 2022, he filed a Miscellaneous Application before the Tribunal in MA.No.344/2022 to condone the delay in restoration. Aggrieved by the same, the petitioner tried to prefer an appeal before the Appellate Tribunal from 18.09.2022 through e-DRT [online] since access to file Appeal against MA is not available. When enquired,



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petitioners confirmed with the officer that the technical problem had already been addressed to the concerned. The 4th respondent has to rectify. The 2nd respondent/Bank have no objection for granting the relief in view of the difficulties experienced by everyone.

(3) The learned counsel appearing for the 3rd respondent/Tribunal states that while issuing directions to the 4th respondent to rectify the technical problem, this Court may also indicate that the 3rd respondent/Tribunal as well as Debts Recovery Appellate Tribunal may also be consulted while sorting out the problems that has been noticed.

(4) Considering the grievance of the petitioner, this Court is inclined to allow the writ petition with the following directions:

(5) The 4th respondent is directed to rectify the technical problem incurred in filing the Miscellaneous Appeals as against the order of DRT. Necessary modifications shall be done with the technical assistance and services of competent persons. In the process, the 4th respondent is directed to consult the Debts Recovery Tribunal and Debts Recovery Appellate Tribunal before doing the work to avoid any other technical issues in the e-Portal with the existing practice/system that is in vogue.



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(6) In view of the fact that there are several applications to be numbered, the 4th respondent is directed to find a way for the petitioner to present the Miscellaneous appeal so that it will be heard earlier. The entire exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. It is open to the 4th respondent to seek extension of time for reasons. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [N.S., J.]
10.07.2024

AP

Internet : Yes

To

1. The Authorized Officer
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and
N.SENTHILKUMAR, J.,

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