



WP No.16448 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2024

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No.16448 of 2024

1.SRIHARAN SRIPATHMANATHAN
REP BY HIS POWER OF ATTORNEY
MR. E. SIVANANDAM NO

2.ASIANA HOTEL MANAGEMENT COMPANY PTE LIMITED
HAVING ITS REGISTERED OFFICE
AT 17, PHILLIP STREET 0501
GRAND BUILDING
SINGAPORE 048 695

: PETITIONERS

Versus

1.EDELWEISS ASSET RECONSTRUCTION COMPANY LTD
HAVING ITS REGISTERED OFFICE
AT EDELWEISS HOUSE OFF
CST ROAD KALINA,
MUMBAI 400 098

2.MALABAR HOTELS PRIVATE LIMITED
HAVING ITS REGISTERED OFFICE AT
1/238, OLD MAHABALIPURAM ROAD,
SEMMENCHERRY
CHENNAI 600 019

3.MR. SARANG SUDHAKAR KALE
DIRECTOR MALABAR HOTELS PVT LTD
FLAT NO 2 GANGADHAR CHAMBERS

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314 NARAYAN PETH,
PUNE 411 030

4.KALEIDOSCOPE PROJECTS PVT LTD
HAVING ITS REGISTERED OFFICE
AT FLAT NO 2
GANGADHAR CHAMBERS
314, NARAYAN PETH
PUNE 411 030

5.EDLWEISS FINVEST LIMITED
HAVING ITS REGISTERED OFFICE AT
TOWER 3 WING B KHINOOR CITY
MALLA KOHINOOR CITY
KIRAL ROAD KURLA (WEST)
MUMBAI 400 070

6.THE DEBTS RECOVERY TRIBUNAL I
SHASTRI BHAVAN
SUBBA ROAD AVENUE
NUNGAMBAKKAM
CHENANI 600 008

7.M/S.GBJ HOTELS PRIVATE LIMITED,
HAVING ITS REGISTERED OFFICE
AT 164 AND 165, AVINASHI ROAD,
PEELAMEDU, COIMBATORE, 641 004,
REP.BY ITS AUTHORISED SIGNATORY
KANAKA DURGA PRASAD POKALA.

: RESPONDENTS

(R7-IMPLEADED AS PER ORDER DATED 29.08.2024 IN WMP.26823/2024 IN
WP.16448/2024 BY ACJ AND PBBJ)

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 6th Respondent and quash the Impugned order dated 20.05.2024 made in S.A. No 9 of 2024 and consequently forbear the 1st Respondent from taking any steps pursuant to the E-Auction Notice dated 06.05.2024 and the purported auction head on 22.05.2024



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For Petitioners:

MR.OMPRAKASH,
SENIOR COUNSEL
FOR MR.SAI SATHYAJITH

For Respondents:

MR.S.RAVI, SENIOR COUNSEL
FOR MS.S. INDUMATHI RAVI

M/S. RAVI LAW CHAMBERS,
FOR R1

MR.JOSE JOHN
FOR M/S. KING AND PARTRIDGE, R2 TO R4

MR.AR.L.SUNDARESAN,
SENIOR COUNSEL
ASSISTED BY MR.RAJASEKAR
FOR M/S.ANGAD MEHTA , FOR R7

R5-NO APPEARANCE
R-6 TRIBUNAL

ORDER

(Order of the Court was made
by SENTHILKUMAR RAMAMOORTHY, J.)

After the matter was heard for some time, Mr.Om Prakash, Senior Counsel for the petitioners, sought leave to withdraw the writ petition with liberty to initiate appropriate proceedings in accordance with law.



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2. By granting such liberty, WP No.16448 of 2024 is dismissed as withdrawn, without any order as to costs.

3. Since an interim stay of all further steps pursuant to the e-auction notice dated 06.05.2024 was in operation until today, the said interim order shall continue to operate for a period of two weeks.

4. If appeal is filed by the petitioner on or before 23.12.2024, delay if any, shall stand condoned.

5. In the appeal to be filed, respondent No.7 herein shall also be made a party.

6. It is open to the petitioner to seek an extension of stay or other reliefs and the Debt Recovery Appellate Tribunal may consider the same on merits.



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5. We make it clear that we have not expressed any opinion on the merits of the matter and all rights and contentions are kept open.

6. WMP Nos.17999 and 20119 of 2024 are closed.

(K.R.SHRIRAM, CJ.)

(SENTHILKUMAR RAMAMOORTHY, J.)

11.12.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

To

1.THE DEBTS RECOVERY TRIBUNAL I
SHASTRI BHAVAN
SUBBA ROAD AVENUE
NUNGAMBAKKAM
CHENANI 600 008

2.THE DEBTS RECOVERY APPELLATE TRIBUNAL,
CHENNAI.



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