



W.P.No.31537 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.31537 of 2024

T.Cheran Sengutuvan

.. Petitioner

Vs

1.The Registrar,
Debts Recovery Appellate Tribunal Chennai,
7th Floor, Additional Office Building,
Shastri Bhavan, Egmore,
Chennai-600 008.

2.The Authorised Officer,
DCB Bank,
Chennai Branch,
6, Rajaji Salai, 1st Floor,
Nungambakkam,
Chennai-600 034.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the first respondent to number the appeal in AIR No.1015 of 2023 on the file before the DRAT Chennai on depositing of the "balance of claim amount" as per the



W.P.No.31537 of 2024

“debt due” in the Sec 13(2) Demand Notice dated 13.6.2021 of Rs.7,81,842/- mentioned in Crl.M.P.No.8894 of 2023 already paid to the second respondent Rs.2,77,640/- and to be deposited with the Registrar of the DRAT Chennai in the above waiver petition in IA No.451 of 2023 in AIR No.1015 of 2023 within two weeks.

For the Petitioner : Ms. Gomathi S

ORDER

(Order of the Court was made by *D.Krishnakumar, J.*)

The petitioner has filed the present writ petition seeking direction to the Debt Recovery Appellate Tribunal to number the appeal in AIR No.1015 of 2023 on depositing of the balance claim amount as per the demand notice issued under Section 13(2) of the SARFAESI Act, 2002.

2. Learned counsel for the petitioner submitted that the petitioner has filed an appeal and the decision in the waiver petition is yet to be decided. The petitioner has funds to take



W.P.No.31537 of 2024

demand draft for Rs.50,000/- immediately and for further Rs.63,000/- and deposit it with the Registrar of the Debt Recovery Appellate Tribunal. The petitioner offers to deposit the balance amount before 31.12.2024 so as to redeem the property subject to adjudication on merits. As the Chairperson of the Debt Recovery Appellate Tribunal retired, the petitioner has no other alternative but to approach this Court for direction to number the appeal.

3. The submission of learned counsel for the petitioner qua the post of Chairperson of the Debt Recovery Appellate Tribunal remaining vacant is concerned, we are informed that a retired Judge of this Court has been appointed as the Chairperson of the Debt Recovery Appellate Tribunal, who has also taken charge. The petitioner may approach the Debt Recovery Appellate Tribunal and satisfy the condition for numbering the appeal. Upon numbering, the Debt Recovery Appellate Tribunal shall decide the appeal, on merits and in accordance with law,



W.P.No.31537 of 2024

WEB COPY

expeditiously.

4. With the above direction, the writ petition stands disposed of. There shall be no order as to costs.

It is made clear that we have not gone into the merits of the matter.

(D.K.K., J.) (P.B.B., J.)
29.10.2024

Index : Yes/No
NC : Yes/No
bbr

To:

1.The Registrar,
Debt Recovery Appellate Tribunal,
7th Floor, Additional Office Building,
Shastri Bhavan, Egmore,
Chennai-600 008.

2.The Authorised Officer,
DCB Bank,
Chennai Branch,
6, Rajaji Salai, 1st Floor,
Nungambakkam,
Chennai-600 034.



WEB COPY



W.P.No.31537 of 2024

D.KRISHNAKUMAR,J.
AND
P.B.BALAJI,J.

bbr

W.P.No.31537 of 2024

29.10.2024