



W.P.No.27849 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

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

W.P.No.27849 of 2024

R.Ekambaram
Managing Director
Hotel R.E.Grand Pvt Ltd
No.6, Arcot Road
T.Nagar, Chennai – 600 017.

.. Petitioner

Vs

1.The Authorised Officer,
Indian Overseas Bank,
Asset Recovery Management Bank,
Third Floor, Annexe Building,
Central Office, 763, Anna Salai,
Chennai-600 002.

2.Balaji Machine Works Pvt Ltd,
rep. by its Managing Director
Having office at
B-8, Shiva Ganga Apartment,
Zaver Road, Mulund West,
Mumbai-400 080.

3.The Registrar,
Debt Recovery Appellate Tribunal,
7th Floor, Addl. Building,
Sastri Bhavan, Hoddows Road,
Nungambakkam, Chennai-600 006.

.. Respondents



W.P.No.27849 of 2024

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the third respondent to receive the 50% of the sale amount of Rs.16,06,23,400/- waive pre-deposit in I.A.No.415 of 2024 in AIR (S.A) No.508 of 2024 which is pending on the file of Debt Recovery Appellate Tribunal at Chennai in waiver pre-deposit under Sec.18(1) of the SARFAESI Act.

For the Petitioner : Mr.P.Elaya Rajkumar
for Mr.D.Durairaj

For the Respondents : Mr.F.B.Benjamin George
for respondent No.1

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition seeking issuance of a writ of mandamus forbearing the third respondent to receive the 50% of the sale amount of Rs.16,06,23,400/- waive pre-deposit in I.A.No.415 of 2024 in AIR (S.A) No.508 of 2024 which is pending on the file of Debt Recovery Appellate Tribunal at Chennai in waiver pre-deposit under Sec.18(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.



W.P.No.27849 of 2024

WEB COPY

2. Learned counsel for the petitioner submitted that the petitioner has filed a waiver application in I.A.No.415 of 2024 in AIR (S.A) No.508 of 2024 to waive the pre-deposit amount and since the Appellate Tribunal has not passed any order in the aforesaid application, he filed the present writ petition. It is further submitted that pending consideration of the waiver application, the respondent/bank brought the secured asset for auction sale and a sale certificate is also issued to the auction-purchaser.

3. Learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit Rs.10 crore in two installments within eight weeks and on such deposit the Appellate Tribunal may be directed to pass appropriate orders on the waiver application and appeal filed by the petitioner in accordance with law.

4. Considering the aforesaid submission, we dispose of the writ petition with the following directions:

- (i) The petitioner shall deposit a sum of Rs.5 crore within four weeks from the date of receipt of a copy



WEB COPY



W.P.No.27849 of 2024

of this order with the Registrar, Debt Recovery Appellate Tribunal, Chennai;

(ii)The petitioner shall deposit a further sum of Rs.5 crore within four weeks thereafter with the Registrar, Debt Recovery Appellate Tribunal, Chennai;

(iii)Upon deposit of Rs.10 crore by the petitioner within the stipulated time, the Debt Recovery Appellate Tribunal shall dispose of the waiver application and thereafter take up the appeal filed by the petitioner and dispose of the same on merits and in accordance with law.

There shall be no order as to costs. Consequently, W.M.P.No.30358 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
19.09.2024

Index : Yes/No
NC : Yes/No
sasi



W.P.No.27849 of 2024

WEB COPY

To:

- 1.The Authorised Officer,
Indian Overseas Bank,
Asset Recovery Management Bank,
Third Floor, Annexe Building,
Central Office, 763, Anna Salai,
Chennai-600 002.
- 2.The Registrar,
Debt Recovery Appellate Tribunal,
7th Floor, Addl. Building,
Sastri Bhavan, Hoddows Road,
Nungambakkam, Chennai-600 006.



WEB COPY



W.P.No.27849 of 2024

THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

W.P.No.27849 of 2024

19.09.2024