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Review Application Writ (MD) No.58 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN**

Review Application Writ (MD) No.58 of 2024
and
W.M.P.(MD) No.6290 of 2024

Ratchana Rasi

... Petitioner

Vs.

1.Bank of Baroda
Rep. by its Authorized Officer.

2.Backialakshmi,
Chief Manager, Bank of Baroda,
Both the respondents are having address at
ROSARB First Floor, Plot No.14, Door No.3,4,5,
Sakhtivelammal Street, 10th Street, SS Colony,
Madurai – 14.

3.K.Ramamoorthy

... Respondents

Prayer :- Review Application filed under Order XLVII Rule 1 & 2 read with Section 114 of C.P.C., praying to review the order dated 20.12.2023 made in W.P.(MD) No.15876 of 2023.

For Petitioner : Mr. RM. Arun Swaminathan



ORDER

(Order of the Court was delivered by V.LAKSHMINARAYANAN, J.)

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The review petition has been instituted to review the order dated 20.12.2023 made in W.P.(MD) No.15876 of 2023.

2.The writ petition was filed before us in W.P.No.15876 of 2023, challenging the order passed by the Bank of Baroda on 27.06.2023, forfeiting the amount of Rs.8,00,000/- paid by the auction purchaser/writ petitioner/review petitioner. When the matter came up before us, we directed the petitioner to challenge the order of forfeiture before the jurisdictional Debts Recovery Tribunal and dismissed the writ petition.

3.A review has been filed by the learned counsel Mr.RM.Arun Swaminathan pleading that there is no provision to file an appeal as against the order of forfeiture. We find that this position of law is settled by the Supreme Court in the case of ***Agarwal Tracom Private Limited Vs. Punjab National Bank and Others*** reported in ***(2018) 1 SCC 626***. The Supreme Court in the said judgment has categorically held that the forfeiture of auction amount is also a measure within the meaning of Section 17 (1) of the SARFAESI Act and the rules laid thereunder. It held



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that the auction purchaser is entitled to challenge the actions of the secured creditor before the Debts Recovery Tribunal by filing a petition under Section 17 (1) of the SARFAESI Act. Therefore, the arguments of Mr.RM.Arunswaminathan that there is no procedure to file an appeal is without any basis.

4.We find no reasons to review the order. We have merely followed the verdict of the Supreme Court. Therefore, the review application is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition also stands dismissed.

(S.M.S.,J.)

(V.L.N.,J.)

14.06.2024

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Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

To

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and

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