



C.R.P.No.2150 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2025

CORAM

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

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

C.R.P.No.2150 of 2024
and C.M.P.No.11404 of 2024

1. M/s.Gowtham Agencies,
Proprietrix Mrs.G.Kalpana,
No.15/6B, Majestic City (Near),
Thtampatti Medu,
Chidambarapatti (PO),
Namakkal District 637 405

2. G.Kalpana

.. Petitioners

-VS-

The Authorized Officer
DBS Bank India Limited,
Special Assets Managements,
Regional Office, Platinum Jubilee Building,
No.68, Oppanakkara Street,
Coimbatore 641 001.

.. Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the order dated 08.05.2024 in I.A.No.286 of 2024 in A.I.R. S.A.No.532 of 2024 on the file of Debt Recovery Appellate Tribunal, Chennai.



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For Petitioners : Mr.S.Sukumar
For Respondent : Mr.A.Arun Babu
* * * * *

ORDER

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

Petitioners have impugned an interim order dated 08.05.2024 passed by the Debt Recovery Appellate Tribunal.

2. Petitioners had received a demand notice dated 17.11.2023 indicating an amount of Rs.63,58,384.29 payable as on 16.11.2023. Petitioners were directed to deposit 50% by the Debts Recovery Tribunal for granting stay. Against that order, petitioners approached the Debt Recovery Appellate Tribunal. Petitioners had paid Rs.15 lakhs towards the first instalment, but did not pay the balance. On 08.05.2024, petitioners were given four weeks to pay the balance Rs.15 lakhs. Challenging that order, petitioners approached this Court.

3. This Court, by an ex parte interim order dated 29.05.2024, directed petitioners to deposit Rs.5 lakhs on or before 19.06.2024 and



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stayed the impugned order. Petitioners' counsel states that the amount was paid, but after that not a penny has been paid. In effect, against the original conditional order of Rs.30 lakhs passed by the Debts Recovery Tribunal on 05.03.2024, till date petitioners have deposited only Rs.20 lakhs. In fact, even after the stay was obtained on 29.05.2024, other than depositing Rs.5 lakhs, not a penny has been paid.

4. We agree with the counsel for the bank that the interim order passed by the Debt Recovery Appellate Tribunal is a discretionary order and petitioners have not made out any case of perversity. The balance of convenience was also in favour of the bank inasmuch as the amount due on the date of notice itself was almost Rs.64 lakhs.

In the circumstances, petition is dismissed. There shall be no order as to costs. Consequently, the interim application also stands dismissed.

(K.R.SHRIRAM, CJ.)

(MOHAMMED SHAFFIQ, J.)

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Index : Yes/No
Neutral Citation : Yes/No

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The Hon'ble Chief Justice
and
Mohammed Shaffiq, J.

(sra)

To

The Debt Recovery Appellate Tribunal,
Chennai.

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16.04.2025