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W.P.No.19246 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM

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

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**W.P.No.19246 of 2024
and W.M.P.No.31114 of 2024**

H.B.Vasudevan

.. Petitioner

Vs

1. The Branch Manager,
Canara Bank,
Coonoor Branch, Coonoor,
The Nilgiris District.
2. G.Beenoo Ancy
3. The Recovery Officer-II,
The Debt Recovery Tribunal,
Coimbatore.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for records of the 3rd respondent in order dated 22.5.2024 in IA No.20 of 2024 in Recovery Proceedings (R.P.) No.1013/2019 in DRC No.484/2019 in OA No.6/2016 and quash the order dated 22.05.2024 passed by the 3rd respondent in Hon'ble Debt Recovery Tribunal at Coimbatore.



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For Petitioner : Mr.Srinath Sridevan
Senior Counsel
for Mr.Bhagavath Krishnan

For Respondents : Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co. for R-1

: Mr.G.Sankaran
Senior Advocate
for Mr.s.Nedunchezhiyan for R-2

: R-3 Tribunal

* * * * *

ORDER

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

Petitioner is challenging the order dated 22.05.2024 passed under Rule 61 of the Second Schedule of the Income Tax Act, 1961 read with Rule 29 of the Recovery of Debts and Bankruptcy Act, 1993, by the Recovery Officer-II, Debt Recovery Tribunal. Petitioner's grievance is, the recovery certificate issued has errors inasmuch as it has not given credit to the amounts paid.

2. Petitioner has an alternative remedy and can approach the Debts Recovery Tribunal under Section 30 of the Recovery of Debts and



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Bankruptcy Act, 1993 challenging the order impugned and raising all contentions before the Debts Recovery Tribunal.

Keeping open the rights and contentions of parties, the petition is dismissed, with liberty to approach the Debts Recovery Tribunal. There shall be no order as to costs. Consequently, the interim application stands closed.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ,J.)

26.02.2025

sra

To

1. The Branch Manager,
Canara Bank,
Coonoor Branch, Coonoor,
The Nilgiris District.
2. The Recovery Officer-II,
The Debt Recovery Tribunal,
Coimbatore.



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

(sra)

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