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CRP.No.4298 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 4298 of 2025

1. Samayaal Enterprises
Rep. by its partner, S. Nagarajan,
Reliance Petrol Retail Outlet, SF
No.261/1A1D1, Tajure Main Road,
Ariyamangalam Trichy, Tamil Nadu -
010.

Petitioner(s)

Vs

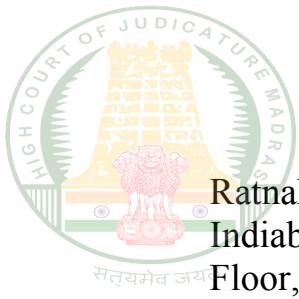
1. The Manager
ICICI Bank Limited, Tiruchirappali
Main Branch, Sivapoorna Complex,
New No.58, West Boulevard Road,
Tiruchirappali, Tamil Nadu - 002.

2.The Managing Director
ICICI Bank Limited, ICICI Bank
Towers, South Tower, West Wing,
2nd Floor, Bandrakurla Complex,
Mumbai - 051.

3.The Managing Director
Indusind Bank Limited, 2401 Gen,
Thimmayya Road, (Cantonment),
Pune - 001.

4.The Managing Director

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Ratnakar Bank Limited, One
Indiabulls Centre, Tower 2B, 6th
Floor, 841, Senapati Bapat Marg,
Lower Parel (W), Mumbai - 013.

5.The Managing Director
Axis Bank Ltd, Axis House, C-2,
Wadia International Centre,
Pandurang Budhkar Marg, Worli,
Mumbai - 025.

6.The Managing Director
State Bank of India, State Bank
Bhavan, Madame Cama Road,
Nariman Point, Mumbai - 021.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Adjudicating Officer/Additional Chief Secretary to Government, Information Technology and Digital Services Department, Government of Tamil Nadu to take the Execution Petition numbered as Petition No.9438950 of 2025 in Petition No.602629 of 2020 and to dispose the same on merits in accordance with law in a time bound manner and pass such further or other orders as this Honble Court.

For Petitioner(s): Ms.Lydia Steffi Cathrine S

ORDER



This Revision Petition has been filed for a direction to the Adjudicating Officer namely Additional Chief Secretary to Government, Information Technology and Digital Services Department, Government of Tamilnadu to number the execution petition and dispose of the same on merits in a time bound manner.

2. I have heard the learned counsel for the petitioner.

3. The petitioner moved a claim before the Adjudicating Officer at Chennai in Civil Jurisdiction Petition No.602629 of 2020 and by order dated 12.07.2024, the petitioner has become entitled to recover a sum of Rs.18,62,600/-, together with interest at 8% per annum besides compensation to the tune of Rs.2,00,000/- and cost of Rs.50,000/-. It is an admitted case that as against the said order, appeals have been preferred by the respondents before the TDSAT.

4. However, the grievance of the petitioner is that though there is no

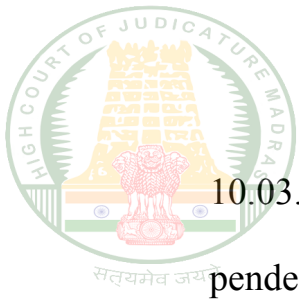


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interim stay granted by the Appellate Authority, the Adjudicating Authority is not taking up the execution petition. The pendency of appeals without any stay being granted by the Appellate Court does not preclude the Decree Holder from proceeding to execute the order /award in his favour. The Adjudicating Authority ought not to have kept the execution petition unnumbered on the ground that the appeals are pending before the TDSAT.

5. The Adjudicating Authority is at liberty to proceed with the execution petition as long as there is no interim stay granted by the Appellate Authority, granting stay of the operation of the order passed by the Adjudicating Authority on 12.07.2024.

6. The learned counsel for the petitioner also invites attention to the return of the execution petition on 28.02.2025. The reason assigned by the Adjudicating Officer is that the execution petitions are not maintainable in view of the appeals filed by the Judgement Debtors 1, 3 and 6 pending before the TDSAT. The other return is calling upon the petitioner to state if any order has been issued by TDSAT in the appeals filed by the respondents 1, 3 and 6. The said returns have been complied by the petitioner on

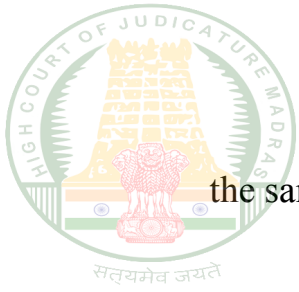


10.03.2025 stating that there is no stay granted by TDSAT and mere pendency of the appeals could not be a bar to proceed with the execution petition.

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7. The petitioner also relied on the decision of the Hon'ble Supreme Court in *Sanjiv Kumar Singh Vs. State of Bihar and others* reported in 2023 LiveLaw (SC) 63, where the Hon'ble Supreme Court has held that unless there is an interim order in the appeals, mere filing of appeals would not operate and stay. Despite the said compliances made by the petitioner, the execution petition has not been numbered till date. Hence, the petitioner had been constrained to move before this Court under Article 227 of Constitution of India.

8. I find force in the submissions made by the learned counsel for the petitioner. As long as there is no stay granted by the TDSAT in the appeals filed by the respondents 1, 3 and 6 , there is no embargo for the petitioner to seek execution of the order dated 12.07.2024 in its favour. Hence, I am inclined to allow the revision petition and direct the Adjudicating Authority to number the execution petition if it is otherwise in order and proceed with



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the same in accordance with law. There shall be no order as to costs.

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Speaking/Non-speaking : Yes/No

Index : Yes / No

Vv

To

The Additional Subordinate Court, Tiruppur.

P.B. BALAJI,J.

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