



WP No.30688 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM

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

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No.30688 of 2017

and

WMP 33601 of 2017

M/s.Nandhi Dall Mills
A Partnership firm rep by its
Managing Partner S.A.Kumar : Petitioner

Vs

1.Authorized Officer
Kotak Mahindra Bank Ltd
Plot No.12 S.No.98
Bharathi Street Alagapuram
Salem- 636004

2.The Branch Manager
Kotak Mahindra Bank Ltd
Plot No.12 S.No.98
Bharathi Street Alagapuram
Salem- 636004

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus directing the calling for the records in AIR (SA) No.126 of 2017 on the file of Debts Recovery Appellate Tribunal Chennai and quash the order dated 07.11.2017 dismissing the appeal for non-compliance of pre-deposit in waiver application in I.A.



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No.553 of 2017 and thereby direct the 2nd respondent to receive a sum of Rs.21,31,490/- being the balance amount payable pursuant to the RBI Auditors Expert Report towards full and final settlement of dues.

For Petitioner : Mr.Jayesh B.Dolia,
Senior Counsel,
for M/s.Aiyar and Dolia

For Respondents : Mr.Elayarajakumar,
for M/s.Ramalingam and Associates

ORDER

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

This petition was filed challenging the order dated 07.11.2017 passed by the Debt Recovery Appellate Tribunal, by which the appeal of petitioner was dismissed for non-compliance of pre-deposit of Rs.21,31,490/-.

2. Mr.Dolia states that subsequently, based on a one-time settlement agreed with the bank on July 17, 2023, petitioner has paid a sum of Rs.One crore and according to petitioner, the outstanding now is only about Rs.21 lakh.



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3. Mr.Dolia seeks leave to withdraw the petition with liberty to approach the Debt Recovery Appellate Tribunal to file a fresh pre-deposit waiver application and consider the same on merits, factoring the subsequent developments.

4. Petition dismissed as withdrawn, with liberty as prayed for. There will be no order as to costs. Consequently, the interim application also stands disposed of.

5. The Debt Recovery Appellate Tribunal may consider the application on its own merits. We express no opinion.

(K.R.SHRIRAM, CJ.)

(SENTHILKUMAR RAMAMOORTHY, J.)

02.01.2025

Index : Yes/No
Neutral Citation : Yes/No
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