



WEB COPY



W.P.No.33675 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

CORAM :

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

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.33675 of 2024

&

W.M.P.Nos.36459 & 36460 of 2024

1. N.Jahangir

2. A.M.Iqbal

.. Petitioners

Vs.

1. The Registrar

Debt Recovery Appellate Tribunal
7th Floor, Additional Official Building
Shastri Bhawan, Haddows Road
Chennai 600 006.

2. Central Bank of India

rep. herein by its Branch Manager
Having office at TC 28/885-5
CSI Building, M.G. Road
Thiruvananthapuram 695 001.

3. M/s. Nest Foods & Beverages Limited

rep. herein by its Liquidator
Having office at Corporate Office, Plot No.2
CSPZ, Kakkanad P.O., Cochin 682 037.



W.P.No.33675 of 2024

WEB COPY

4. P.N.Balaram

5. The Kerala State Industrial Development Corporation Limited
Kowdiar
Thiruvananthapuram 695 003
Rep. herein by its Managing Director.

6. The Kerala Financial Corporation
Vellayambalam, Thiruvananthapuram
Rep. herein by its Managing Director. .. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records of impugned order dated 06.08.2024 passed by the Hon'ble DRAT dismissing the Chamber Appeal No.1 of 2024, confirming the order dated 22.05.2023 passed by the first respondent in refusing to register the AIR No.18 of 2023 filed by petitioners and quash the same and further direct the first respondent to register the appeal filed in AIR No.18 of 2023 before the Hon'ble Debt Recovery Appellate Tribunal and consequently direct the Hon'ble Debt Recovery Appellate Tribunal to dispose the appeal filed in AIR No.18 of 2023 on merits.

For Petitioners : Mr.E.Om Prakash
Senior Counsel
For Ms.Varuni Mohan

For Respondents : Mr.M.L.Ganesh
for Respondent-2



WEB COPY



W.P.No.33675 of 2024

No appearance -
for Respondents 3 to 6

Tribunal – Respondent-1

ORDER

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

Mr.Ganesh, in fairness, as an officer of the Court, agrees that the order dated 22.5.2023 could not have been passed by the Registrar of Debt Recovery Appellate Tribunal and, therefore, the consequential order dated 6.8.2024 of the DRAT confirming the order dated 22.5.2023 cannot be sustained. Mr.Ganesh states that the law is very clear, inasmuch as under Rules 25 and 26 of the Debt Recovery Appellate Tribunal (Procedure) Rules, 1994, the Registrar could not have passed the order dated 22.5.2023.

2. In view of the above, the Debt Recovery Appellate Tribunal shall proceed to number the appeal in accordance with law unless there are any other objections.



W.P.No.33675 of 2024

WEB COPY

3. The writ petition is disposed of. There shall be no order as to costs.

Consequently, W.M.P.No.36459 of 2024 filed to permit petitioners to file a single writ petition is ordered and W.M.P.No.36460 of 2024 also stands disposed.

(K.R.SHRIRAM, CJ)

(MOHAMMED SHAFFIQ,J.)

05.03.2025

Index : Yes/No
Neutral Citation : Yes/No
kpl

To

1. The Registrar
Debt Recovery Appellate Tribunal
7th Floor, Additional Official Building
Shastri Bhawan, Haddows Road, Chennai 600 006.
2. The Branch Manager
Central Bank of India
Having office at TC 28/885-5
CSI Building, M.G. Road
Thiruvananthapuram 695 001.
3. The Managing Director.
The Kerala State Industrial Development Corporation Limited
Kowdiar, Thiruvananthapuram 695 003.
4. The Managing Director.
The Kerala Financial Corporation
Vellayambalam, Thiruvananthapuram.



WEB COPY



W.P.No.33675 of 2024

THE HON'BLE CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ,J.

(kpl)

W.P.No.33675 of 2024

05.03.2025