



WEB COPY



WP No.478 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM

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

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No.478 of 2025

and

WMP Nos.564, 567 of 2025

1.M/s.Rajeswari Motors Pvt Ltd.
Rep. by its Managing Director
Mr.A.Vijayaraj

2.Shenbagadevi : Petitioners

Vs

1.The Authorized Officer
Bank of Baroda, Erode Branch
184, Ground Floor, VCTV Main Road
Erode- 638 003.

2.N.Sampath Kumar

3.A.David

4.P.Gowrishankar

5.R.Kalamani

6.S.Muthukrishnan

7.K.Nathan

8.A.Pazhaniappan

9.Senthilkumar

10.C.Sundaramoorthy

11.K.Supramanian

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the orders in I.A.No.133 of 2023 in A.I.R.No.103 of



WP No.478 of 2025

2023 passed by the Debt Recovery Appellate Tribunal, Chennai on 28.11.2024 and quash the same as illegal.

For Petitioners : Mr.M.Jayaprakash

For Respondent No.1 : Ms.Revathi Manivannan

ORDER

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

At the outset, Ms.Revathi Manivannan takes notice for respondent No.1.

2. Petitioners are impugning an order dated 28.11.2024 passed by the Debt Recovery Appellate Tribunal, Chennai.

3. The Debt Recovery Appellate Tribunal, on an application filed by petitioners seeking waiver of statutory deposit under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (for short, 'the Act of 2002') for entertaining the appeal, has directed petitioners to pay a sum of Rs.35,77,235/- within four weeks i.e. on or before 26.12.2024. The order is a self-operating order, as



WP No.478 of 2025

much as, if the amount is not so deposited, the appeal would stand rejected. As on date, as the amount is yet to be deposited, the appeal itself has got rejected.

4. Admittedly, petitioners owe money in excess of Rs.1,43,00,000/-. This amount itself was mentioned in the sale notice, which is dated 04.09.2021. It is easy for everyone to guess that the amount would probably be much higher as on date.

5. In fact, in the counter filed by the bank to the application of petitioners, it is stated that the amount due as on 30.06.2023 was Rs.2,70,80,701.54.

6. It is petitioners' case that they had deposited a sum of Rs.60 lakh with the bank, pursuant to an order passed by this Court, which amount is available, and as per the bank, a sum of Rs.63,32,500/- was available as on 01.07.2023. Petitioners also submitted that another amount of Rs.6 lakh is lying in the savings bank account of first petitioner's Director, which amount could also be appropriated. Therefore, there will be a sum of Rs.66



WP No.478 of 2025

lakh available as against the sale notice amount of Rs.1,43,08,941/-. It is petitioners' case that this amount should satisfy the statutory requirement of pre-deposit.

7. It was the bank's case before the Debt Recovery Appellate Tribunal that Rs.66 Lakh was lying in an interest bearing but no lien account. Petitioners should be directed to deposit a further sum of 25% of the amount demanded in the sale notice.

8. The Debt Recovery Appellate Tribunal after considering the rival submissions, directed petitioners to deposit a further sum of 25% of Rs.1,43,08,941.80, which comes to Rs.35,77,235/-.

9. In fact, we should note that this amount of Rs.1,43,08,941.80 was due as on 03.10.2017, which is mentioned in the notice issued under Section 13(2) of the Act of 2002, dated 03.10.2017.

10. Having considered the ground reality that the amount payable to the bank itself was Rs.2,70,80,701.54 as on 30.06.2023, we find no



WP No.478 of 2025

infirmity in the order passed by the Debt Recovery Appellate Tribunal.
Petition dismissed.

11. Ms.Revathi Manivannan is pressing for cost. Petitioners to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) as cost, which amount shall be paid within two weeks from today. If the amount is not paid, the bank may recover this amount also, along with the other outstanding of petitioners, together with interest thereon, at the same rate as is payable for the loan.

12. WMP No.564 of 2025 filed to permit the petitioners to file a single writ petition is allowed and disposed of. WMP No.567 of 2025 is closed.

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

(SENTHILKUMAR RAMAMOORTHY, J.)

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Index : Yes/No
Neutral Citation : Yes/No
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WP No.478 of 2025

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WP No.478 of 2025

08.01.2025