



W.P.(MD)No.34771 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.34771 of 2025
& WMP(MD)Nos.27472 & 27473 of 2025

J.Jeyaprakash

... Petitioner

/Vs./

The Authorized Officer,
HDB Financial Services Ltd.,
1st Floor No.177,
Lakshmi Alagar Tower GST Road,
Near Thirunagar First Stop,
Madurai – 625006.

... Respondent

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the DRT, Madurai in I.A. No. 1495 of 2025 dated 08.04.2025 and I.A. Nos. 4087/25 and 4089/25 and in IA Nos. 4088/25 and 4090/25 dated 13.10.2025 in S.A. No. 272 of 2025 respectively and QUASH THE SAME in so far as the conditions that are imposed therein and all proceedings in furtherance thereof.



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For Petitioner : Mr.Isaac Mohanlal
Senior Counsel
for M/s.Isaac Chambers

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

The petitioner is aggrieved by the orders passed by the Debt Recovery Tribunal ('DRT') in IA No.1495 of 2025 on 08.04.2025 and, in I.A.Nos.4087 and 4098 of 2025 and IA.Nos.4088 and 4090 of 2025 on 13.10.2025, all in SA No.272 of 2025.

2. The brief history of the matter is as follows. The petitioner had admittedly availed four loans on 10.08.2016, 28.03.2019, 31.05.2022 & 25.08.2023 from the respondent, in all, amounting to Rs.2,15,00,000/- (approx.). There were defaults in repayment and the accounts of the petitioner were declared as Non Performing Assets ('NPA') on 03.12.2024. The petitioner has approached the DRT in SA No.272 of 2025 and has sought interim protection in respect of the recovery of the outstandings. The first order was passed by the DRT on 08.04.2025 with



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the following scheme of installments :-

Installment	Date (on or before)	Amount
1 st Installment	08.05.2025	Rs.14,40,000/-
2 nd Installment	09.06.2025	Rs.14,40,000/-
3 rd Installment	09.07.2025	Rs.14,40,000/-
4 th Installment	11.08.2025	Rs.14,40,000/-

3. The petitioner was admittedly, unable to meet the scheme of installments and had sought extension of time for payment. The extension was allowed and the petitioner was directed to pay the first installment on or before 07.07.2025 and the second installment on or before 28.07.2025. The petitioner remitted a sum of Rs.14,40,000/- (Rupees Fourteen Lakhs and Forty Thousand only) on 07.07.2025 and a sum of Rs.17,00,000/- (Rupees Seventeen Lakhs only) on 28.07.2025.

4. There was failure yet again in remitting the 3rd and 4th installments in time, and interim applications were filed seeking extensions of time. Those interim applications came to be rejected on 13.10.2025 in terms of the following order:-



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'SA 272/25

13.10.25

Ld. Counsel Mr. Radha Krishnan is appearing for the Applicant.

Ld. Counsel Mr. C.A. Arjun Shankar is appearing for D-1 & D-2 and has submitted that he has filed Counter. Petition in IA No.4086/25 (Emergent): Allowed.

Petition in IA Nos. 4087/25 & 4089/25 and in IA Nos. 4088/25 & 4090/25 (Delay and Extension for 3rd and 4th installment): Heard both sides' Counsels. The Counsel for the Petitioner has submitted that due to his ill health he got treatment at Kerala hence, he could not arrange funds on time for the payment of 3rd and 4th installment so there is a delay of 150 days in filing the extension petition for the payment of 3rd and 4th installment hence he prays that the delay of 150 days may be condoned and he may be given some extension of time for the payment 3rd and 4th installment.

On the other hand, the Counsel for D-1 & D-2 vehemently opposed the submission of the petitioner for condoning the delay of 156 days in filing the extension petition and for granting extension of time for the payment of 3rd and 4th installment.

Having heard the parties, I Perused the record and I find that the Petitioner has already filed a petition for extension of time for the payment of 1st and 2nd installment and his petition was allowed and he was directed to pay the 1st installment vide DD of Rs. 14,40,000/- on or before 07.07.2025 and further he was directed to pay the 2nd installment along with 3rd installment on or before 28.07.2025 but he failed and after the lapse of 150 days he has filed this petition seeking extension of time for the payment of 3rd and 4th installment explaining that he was under treatment at Kerala but, he has not filed any Medical Certificate and he has not even mentioned the name of the



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disease for which he had the treatment at Kerala.

Considering the facts and circumstances, I am not inclined to grant any extension of time for the payment of 3rd and 4th installment. Accordingly, this petition stands rejected.

For filing Reply Statement along with Typeset of Papers, call on 15.01.26.'

5. It is against the aforesaid orders that the petitioner is before us.

6. Mr.Mohanlal learned Senior counsel would primarily argue that the status of the petitioner is a Micro, Small, and Medium Enterprises ('MSME') and hence, it is entitled to the benefit of rehabilitation in terms of the *Framework For Revival and Rehabilitation of MSME* under SO.1432 (E) dated 29.05.2015, in respect of which a Master Direction had been issued by the Reserve Bank of India on 24.07.2017.

7. The petitioner is hence aggrieved by the coercive recovery proceedings that have been initiated, notwithstanding the status as an MSME. However, the petitioner would accede to the position that the



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ground relating to the status of the petitioner as an MSME was not raised before the DRT and hence, the DRT had no occasion to advert to that aspect of the matter.

8. That apart, we do not find any specific communication sent to the bank indicating the status of the petitioner as an MSME. Our attention is only taken to two communications dated 25.10.2024 and 03.01.2025, where the petitioner made requests for waiver of the loans and sought a moratorium, referring to the announcement made by the Hon'ble Finance Minister to the effect that banks should be more business friendly and flexible during tough business exigencies. Those communications do not indicate that the petitioner holds the status of an MSME. We are shown a Udhayam Registration Certificate bearing UDYAM-TN-12-0003157 in the name of the petitioner, but are unaware if this certificate has been produced either before the Bank or the DRT.

9. Petitioner has relied upon the Judgment of the Supreme Court in *Pro Knits vs. Board of Directors of Canara Bank and Others* (2024 (10) SCC 292) and a decision of this Court in *A.K.Karthikeyan vs.*



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The Authorized Officer, Canara Bank, Trichy and Another (2025 (2) Writ LR 34) and in WP(MD)No.14439 of 2025 dated 21.05.2025 to show that an MSME stands on a different footing, as far as recovery is concerned and in the absence of any effort to rehabilitate the MSME in terms of the aforesaid framework, the coercive action must be stopped and the petitioner given an opportunity to rehabilitate.

10. In light of the fact that the DRT had no occasion to consider the above factual aspects, particularly the averment that the Petitioner is an MSME, we do not believe it appropriate for us to intervene in the impugned orders. We, however, grant full liberty to the petitioner to take additional grounds before the DRT and such additional grounds may be considered by the DRT, in the light of sufficient evidence, if any produced by the parties, strictly in accordance with law. With this, the impugned orders are confirmed.

11. Before closing, Mr.Mohanlal, learned Senior Counsel would take us through some photographs and a video of a mob of people, including a person who appears to be a policeman, breaking open a grill



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gate. According to him, the photographs and videos capture the incidents of 05.11.2025, when the mob entered the petitioner's residence to exert pressure on them to make payment of the outstanding dues.

12. The petitioner may approach the police with a complaint and if and when such complaint is filed, the authorities shall register, and investigate the same in accordance with law.

13. This writ petition is dismissed in terms of this order with liberty as above. No costs. Connected miscellaneous petitions are closed.

[A.S.M.J.] & [C.K.J.]
28.11.2025

Index :Yes
Internet :Yes
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To

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009, Tamil Nadu, India.
2. The Secretary to Government,
Home Department,
Secretariat, Chennai - 600 009,
Tamilnadu, India.
3. The Secretary to Government of Tamilnadu,
Law Department, Secretariat,
Fort St.George, Chennai – 600009,
Tamilnadu, India.
4. The Secretary, Bar Council of India,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi – 110 002.
5. The Secretary,
Bar Council of Tamil Nadu,,
High Court Campus, Pary's Corner, Chennai – 600 104.



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DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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Order made in
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Dated:
28.11.2025