



WP No. 7150 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 7150 of 2026 AND

WMP NO. 7758 OF 2026, WMP NO. 7760 OF 2026

1. Sri G.C.Basavarajappa @ G.C. Basavaraj
S/o. Sri Korategere Chandrappa,
No.128, Gullehalli, Chanagiri Taluk,
Davanagere District, Karnataka -577213.
2. Sudha .I.R.
S/o. Sri Indra Rajappa AR,
No.128, Gullehalli, Chanagiri Taluk,
Davanagere District, Karnataka -577213
3. Sri C.S. Halesha,
S/o. Sri. C. Siddaramappa,
No.41, Gullehalli, Chanagiri Taluk,
Davanagere District,
Karnataka -577213.

..Petitioners

Vs

HDFC Bank Limited
Rep. by its Authorized Signatory,
Branch office at R.V. Paradise No.103/31,
26th Main Road Jayanagar 4th T. Block,
Bangalore -560 041

..Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the Order in IA 1419/2025 (Waiver) in A.IR. 1173/2024 dated January 2, 2026 passed by the Honble Debt Recovery Appellate Tribunal (DRAT) at Chennai and quash the same.



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For Petitioners :

Mr. D.Yogeswaran

For Respondent :

Notice dispensed with

ORDER

(Order of the Court was made by R.Suresh Kumar J.)

This writ petition has been filed against the order passed by the Debts Recovery Appellate Tribunal, Chennai dated 02.01.2026 made in I.A.1419 of 2025 (Waiver) in A.I.R.No.1173 of 2024.

2. As against the order passed by the Debts Recovery Tribunal, Bangalore the petitioner preferred an appeal under Section 18 of the SARFAESI Act before the Debts Recovery Appellate Tribunal (DRAT) at Chennai, where, as per the statutory requirement under provisos (2) and (3) to Section 18 of the SARFAESI Act, a waiver application since has been filed, the same was numbered by directing the petitioner to pay 30% of the amount determined by the DRT which comes to Rs.1,05,00,000/- (approximately). Aggrieved over the same, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner. He would submit that before the waiver application since there was delay in filing the SARFAESI appeal, an application to condone the delay was filed, where a conditional order for payment of Rs.34 Lakhs was passed. Therefore, since the said sum of Rs.34 Lakhs has already been paid, the present direction given in the order impugned directing the petitioner



to pay 30% of the determined amount would be an excess one. Therefore, the learned counsel for the petitioner submits that consideration may be shown to modify the said order by reducing the said amount at least to the lowest to an extent of 25%, as has been mandated under the third proviso to Section 18 of the SARFAESI Act.

4. In view of the order that is going to be passed in this writ petition at the admission stage, notice to the respondent is dispensed with.

5. Since the petitioner himself, through the learned counsel, has come forward to make the payment of 25% after deducting the amount of Rs.34 Lakhs already paid and the 25% being the lowest amount in any waiver application to be fixed by the DRAT in exercising its power and discretion under the third proviso to Section 18 of the Act, we are inclined to pass the following order.

- a) There shall be a direction to the DRAT, Chennai to entertain the waiver application by directing the petitioner to pay a sum of Rs.75 Lakhs being 25% after deducting Rs.34 Lakhs having been paid or claimed to have been paid by the petitioner out of the total determination made by the DRT to the extent of Rs.3.31 Crores.



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b) On such payment being made by the petitioner, the waiver application can be allowed, based on which the main SARFAESI appeal can be persuaded further in accordance with law.

c) Time for making the payment of Rs.75 Lakhs is within a period of 30 days from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected W.M.P.No.7758 of 2026 is ordered and W.M.P.No.7760 of 2026 is closed.

(R.S.K.,J.) (N.S.,J.)
04-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



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To

The Authorised Signatory
HDFC Bank Limited
Branch office at R.V. Paradise No.103/31,
26th Main Road Jayanagar 4th T. Block,
Bangalore -560 041



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**R.SURESH KUMAR J.
AND
N.SENTHILKUMAR J.**

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