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WP No. 4704 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
&
THE HON'BLE MR.JUSTICE SHAMIM AHMED**

**WP No. 4704 of 2026
&
WMP NOs. 5243 & 5241 OF 2026**

1. Mr.J.Hari Hara Sudhan,
No.123A,Elango Nagar,
Avarampalayam,Ganapathy,
Coimbatore-641 006.
2. Mrs.J.Shantamani,
No.123 A,Elango Nagar,
Avarampalayam,Ganapathy,
Coimbatore-641 006
3. Mr.Jayabalan,
No.123A,Elango Nagar,
Avarampalayam,Ganapathy,
Coimbatore-641 006

..Petitioner(s)

Vs

1. The Debts Recovery Appellate Tribunal,
Represented by its Registrar,
Shastri Bhavan,New Building,
7th Floor,Haddows Road,
Chennai-600 006
2. The Authorised Officer,
Bank of India,
Asset Recovery Branch,
Ground Floor,Star House,



324, Oppanakara Street,
Coimbatore-641 001.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the Records pertaining to I.A.No.121/2026 in I.A.No.1695/2025 in AIR 1034 of 2025 on the file of the First Respondent and to quash the order dated 29-01-2026 passed by Honble Chairperson of the 1st Respondent dismissing I.A.No.121/2026 in I.A.No.1619/2025 in AIR 1034 of 2025 and to allow I.A.No.121/2026 in I.A.No.1619/2025 in AIR 1034 of 2025.

For Petitioner(s): Mr.P.V.Ramachandran

For Respondent(s): Mr.F.B.Benjamin George,
Standing Counsel for R2
R1-Court

ORDER

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

The prayer sought for in the Writ Petition is to issue Writ of Certiorarified Mandamus by calling for the records pertaining to I.A.No.121/2026 in I.A.No.1695 of 2025 in AIR 1034 of 2025 on the file of the first respondent and to quash the order dated 29.01.2026 passed by the Chairperson of the 1st respondent dismissing I.A.No.121 of 2026 in I.A.No.1619 of 2025 in AIR 1034 of 2025 and to allow I.A.No.121 of 2026 in I.A.No.1619 of 2025 in AIR 1034 of 2025.



2. The petitioners are borrowers as well as guarantors in respect of loans availed from the 2nd respondent Bank. The loan became a non performing asset (NPA), therefore, SARFAESI proceedings were initiated against the petitioners. The property has been brought under sale, following section 13(2) as well as section 13(4) proceedings. The sale has been effected, but physical possession of the property has been still with the petitioners is the claim of the petitioners.

3. Only at that juncture, the petitioners had approached the Debts Recovery Tribunal at Coimbatore, where, a conditional order has been passed by the Debts Recovery Tribunal, Coimbatore to pay a sum of Rs.70 lakhs. Aggrieved over the said conditional order passed by the Debts Recovery Tribunal for grant of stay of further proceedings pursuant to the sale effected in this regard, the petitioners preferred appeal before the Debts Recovery Appellate Tribunal (in short 'DRAT') at Chennai, where, an interlocutory application in I.A.No.1619 of 2025 was filed seeking a waiver of the pre-deposit.

4. The DRAT, by order dated 15.12.2025, directed the petitioners to pay a sum of Rs.40 lakhs being the 40% of the claim amount of the secured creditor which is being Rs.1crore, as a pre-deposit by way of two instalments.



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5. The first instalment shall be paid on or before 05.01.2026 and the second instalment shall be paid on or before 27.01.2026. Accordingly, the first instalment was paid by the petitioners, however, to pay the second instalment, the money could not be mobilised by the petitioners immediately. Therefore, since the last date of 27.01.2026 for paying the second instalment was fast approaching, few days prior to the deadline i.e., on 23.01.2026, an application has been filed in I.A.No.121 of 2026 seeking extension of time to pay the 2nd instalment.

6. The said application has been dismissed by the impugned order passed by the DRAT, Chennai by order dated 29.01.2026.

7. Heard Mr. P.V.Ramachandram, learned counsel appearing for the petitioners and Mr.F.B.Benjamin George, learned Standing Counsel appearing for the 2nd respondent/Bank and have perused the materials available before this Court.

8. The learned counsel appearing for the petitioners would submit that in so far as the 2nd instalment of paying Rs.20 lakhs is concerned, since within the time limit prescribed by the Tribunal, that is, on or before 27.01.2026, the funds could not be mobilised and it sought for only a shorter period of atleast two



weeks, even that was refused, however, in order to show the bonafide on the part of the petitioners, the petitioners with great struggle, mobilised the fund of Rs.20 lakhs and taken a Demand Draft on 05.02.2026 drawn at HDFC Bank in favour of DRAT/1st respondent. However by the time, when this attempt was made by the petitioners, the order impugned was already passed as early as on 29.01.2026, thereby, the extension sought for by the petitioners since has been rejected by the order impugned in I.A.No.121 of 2026, aggrieved over the same, the present writ petition has been filed, he submitted.

9. Infact, the original Demand Draft dated 05.02.2026 taken by the Petitioners in favour of 1st respondent/DRAT for a sum of Rs.20 lakhs has been produced by the learned counsel Mr. P.V.Ramachandran appearing for the petitioners before this Court.

10. Mr.F.B.Benjamin George, learned Standing Counsel appearing for the 2nd respondent/Bank would submit that the sale since has been completed, nothing would survive in this writ petition as even the conditional order passed either by the Debts Recovery Tribunal or by the DRAT, Chennai has not been complied with by the petitioners, they have no locus to maintain this writ petition, therefore, this writ petition is liable to be dismissed in *limine*, is his contention.



11. We have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this court.

12. In order to show the bonafide on the part of the petitioners, only within few days from the dead-line, that is, 27.01.2026, the petitioners were able to mobilise the funds and had taken a Demand Draft for Rs.20 lakhs, being the 2nd instalment of the conditional order for the waiver application submitted before the DRAT and DRAT passed the order on 15.12.2025. Therefore, accepting the said genuineness on the part of the petitioners who are able to mobilise funds within a shortest period, the application submitted before the Debts Recovery Appellate Tribunal to seek the shorter extension of time could have been considered by the Tribunal. Therefore, showing Our indulgence, We are inclined to pass the following order in this Writ Petition:

- (i) That the order passed by the Debt Recovery Appellate Tribunal, Chennai, which is impugned herein, is set aside;
- (ii) That Demand Draft taken by the petitioners for a sum of Rs.20 lakhs, dated 05.02.2026 drawn at HDFC Bank in favour of DRAT, Chennai towards the second instalment as directed by the Tribunal dated 15.12.2025 is to be accepted by the DRAT, Chennai by extending the time from 27.01.2026 till 05.02.2026 as the date of Demand Draft being 05.02.2026.



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(iii) The Demand Draft dated 05.02.2026 shall be produced by the petitioners in original before the Debts Recovery Appellate Tribunal, Chennai along with a copy of this order as well as a memo before the DRAT, Chennai within a period of one week from the date of receipt of a copy of this order and on such filing the same, the Demand Draft shall be accepted as a compliance of the second instalment of the conditional order passed by the DRAT, dated 15.12.2025 in the said I.A.No.1619 of 2025.

(iv) Accordingly, the extension since is accepted, the conditional order in the waiver application also to be construed as an accepted one.

(v) That the main appeal pending before the DRAT, be pursued further and decided by the DRAT in accordance with law as early as possible.

13. With these directions, the Writ Petition is ordered accordingly. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[R.S.K.,J.]

[S.S.A.,J.]

16-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

msr



To

1. The Debts Recovery Appellate Tribunal,
represented by its Registrar,
Shastri Bhavan, New Building,
7th Floor, Haddows Road,
Chennai-600 006

2. The Authorised Officer,
Bank of India,
Asset Recovery Branch,
Ground Floor, Star House,
324, Oppanakara Street,
Coimbatore-641 001.

Note: Issue order copy on 18.02.2026



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**R.SURESH KUMAR J.
&
SHAMIM AHMED J.**

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