IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.M.P.Nos.12909, 11040 and 11038 of 2026 in W.P.No.3010 of 2026

[W.M.P.No.12909 of 2026]

1. The Authorised Officer
   Union Bank of India,
   Asset Recovery Branch, Chennai,
   No.168, Second Floor, Linghi Chetty Street,
   Parrys Corner, Chennai-600 001,
   Tamil Nadu, India.

2. The Manager
   Union Bank of India,
   T.Nagar 1 Chennai Branch,
   No.51, Thirumalai Pillai Road,
   T. Nagar, Chennai 600 017,
   Tamil Nadu, India.

..Petitioner(s)

Vs

Ravina Healthcare P.Ltd
Represented by Managing Director,
A. Sreenivasulu, No.99,
Poonamallee High Road,
Maduravoyal, Chennai-600 095

..Respondent(s)

[W.P.No.3010 of 2026]

Ravina Healthcare P.Ltd
Represented by Managing Director,
A. Sreenivasulu, No.99,
Poonamallee High Road,
Maduravoyal, Chennai-600 095

..Petitioner(s)

Vs

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..Respondent(s)

[W.M.P.No.11040 of 2026]

Ravina Healthcare P.Ltd.,
Represented by Managing Director,
A. Sreenivasulu, No.99,
Poonamallee High Road,
Maduravoyal, Chennai-600 095.

..Petitioner(s)

Vs

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   Tamil Nadu, India.

..Respondent(s)

[W.M.P.No.11038 of 2026]

Ravina Healthcare P.Ltd.
Represented by Managing Director,
A. Sreenivasulu, No.99,
Poonamallee High Road,
Maduravoyal, Chennai-600 095

..Petitioner(s)

Vs

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   Tamil Nadu, India.

..Respondent(s)

[W.M.P.No.12909 of 2026]

To vacate the interim order dated 12.03.2026 in WMP.No. 11038 of 2026 in WP.No. 3010 of 2026.

[W.P.No.3010 of 2026]

to call for the records in Order dated 27.01.2026 in I.A. No.183 of 2026 in S.A. No.57 of 2026 on the file of Honble DRT-III, Chennai and quash the same as arbitrary unreasonable.

[W.M.P.No.11040 of 2026]

To pass an order of interim injunction restraining the respondents from proceeding with the E-auction which was scheduled on 13.03.2026 between 12.00 noon to 5.00 pm issued by the 1st respondent vide notice dated 18.02.2026 with respect to the subject property pending disposal of the extension writ miscellaneous petition.

[W.M.P.No.11038 of 2026]

To grant extension of time to the petitioner to pay the amount of Rs.2,50,00,000/- to the respondents pursuant to the order dated 29.01.2026 passed in WP.No. 3010 of 2026.

For Petitioner(s) in W.M.P.No.12909 of 2026:	Ms.K.R.Ananda Gomathy Standing Counsel
For Respondent(s) in W.M.P.No.12909 of 2026:	Mrs.Kavitha Rameshwar

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The writ petition had been filed seeking a writ of certiorarified mandamus, to call for the records of the order dated 27.01.2026 in I.A.No.183 of 2026 in S.A.No.57 of 2026 on the file of the Debts Recovery Tribunal - III, Chennai, and quash the same.

2. In fact, the writ petitioner approached the Debts Recovery Tribunal - III by filing the Securitisation Application under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002[1], challenging the auction and measurement taken by the secured creditor, that is the Bank, under the Security Interest (Enforcement) Rules, 2002. The writ petitioner, being the borrower, challenged the sale notice dated 23.12.2025 issued by the Bank, fixing the sale on 28.01.2026 for recovery of sum of Rs.21,91,63,464.80/-, which was due as on 30.11.2025 and sought to set aside the sale notice.

[1] *For brevity, hereinafter referred as "the SARFAESI Act".*

3. The Debts Recovery Tribunal, having considered the factual matrix, has shown its indulgence by permitting the writ petitioner/borrower, to pay the sum of Rs.2,50,00,000/-, being approximately 10% of the due, to be paid on or before 28.01.2026 and on that condition, there has been a stay granted against the sale notice and it was further directed that if the borrower fails to make the payment on or before 28.01.2026, the interim order of stay shall stand automatically vacated.

4. Aggrieved over the said order, the present writ petition, that is W.P.No.3010 of 2026, had been filed by the writ petitioner/borrower on the sole ground that, the order dated 27.01.2026 directing to pay sum of Rs.2,50,00,000/- on or before 28.01.2026 at 10.30 a.m. was uploaded in the website only on 27.01.2026 at 8.00 p.m., therefore, since there has been no breathing time available to the writ petitioner/borrower to mobilise the said fund of Rs.2,50,00,000/-, even though the writ petitioner/borrower was willing to make the payment, he could not mobilise the funds to deposit. Therefore, aggrieved over the order, he has filed the said writ petition, was the stand taken by the writ petitioner before this Court.

5. Having considered the said plea raised by the writ petitioner/borrower and also after hearing *Ms.K.R.Ananda Gomathy*,

learned Standing Counsel for the respondent therein, we, by the order dated 29.01.2026, passed the following orders:

> *"The present petitioner being a borrower of the respondent bank had approached the Debts Recovery Tribunal [in short, 'the DRT'] to stall the proposed auction sale of the bank, which was slated to be conducted on 28.01.2026. The necessary petition was filed on 19.01.2026, which was taken up for hearing on 27.01.2026, where a conditional order was passed by the Tribunal directing the petitioner to pay a sum of Rs.2.50 Crorse on or before 28.01.2026 at 10.30 a.m. That order itself was uploaded in the website of the Tribunal only at 8.00 p.m on 27.01.2026, therefore being an unworkable order, as there has been no breathing time to the petitioner even to mobilise the fund of Rs.2.50 Crores, even if willing to make it, the petitioner could not have mobilized and deposited the sum of Rs.2.50 Crores. Therefore, aggrieved over the said order passed by the Tribunal dated 27.01.2026, the present writ petition has been filed.*
>
> *2. Heard Mr.Srinath Sridevan, learned Senior Counsel appearing for the petitioner and Ms.Ananda Gomathy, learned Standing Counsel appearing for the respondents.*
>
> *3. The learned Standing Counsel appearing for the respondent Bank would submit that due is more than Rs.22 Crores, out of which only 10% amount has been directed to be paid as per the conditional order passed by the Tribunal, which is impugned herein. Even that could not be complied with by the petitioner, and therefore no indulgence can be shown. She would also submit that on the date of auction i.e., on 28.01.2026, either because of the stay order granted by the Tribunal or otherwise, the sale could not be effected and therefore, at this juncture, the respondent bank may be permitted to proceed further to go ahead with the fresh auction notice and go for auction of the property in question, she contended.*
>
> *4. Having considered the said rival submissions made by the learned counsel for the parties, we are inclined to pass the following order:*
>
> *(a) That Rs.2.50 Crores amount as directed by the Tribunal as a condition be deposited by the petitioner within a period of two weeks from the date of receipt of a copy of this order and after depositing the same within a period of two weeks, it is open to the petitioner to approach the DRT to seek for any further orders on merits.*

(b) It is also open to the respondent bank to proceed with the auction afresh, which is subject to the order to be passed by the Tribunal on the application to be moved in this regard by the petitioner by virtue of the liberty that has been given now in this order.

Accordingly, this writ petition is disposed of. No costs. Connected miscellaneous petitions are closed."

6. However, the said order seems to have not been complied with and again, the writ petitioner approached this Court by filing W.M.P.No.11038 of 2026, seeking extension of time to the writ petitioner to pay the sum of Rs.2,50,00,000/- pursuant to the order dated 29.01.2026 made in W.P.No.3010 of 2026.

7. This Court, again, showed indulgence in favour of the writ petitioner/borrower and passed orders on 12.03.2026 to the following effect:-

"Ms.N.Kavitha Rameshwar, the learned counsel appearing for the petitioner wants to take a DD for a sum of Rs.2,50,00,000/-, as directed by this Court by the order dated 29.01.2026 as a condition precedent and report before this Court on 16.03.2026.

2. In view of the said submission made by the learned counsel appearing for the petitioner, post the present matter to file such a compliance report on 16.03.2026. In the meanwhile, the auction notice dated 18.02.2026 shall be kept in abeyance till such time."

8. However, the fact remains that, none of these orders have been complied with, including the extension order granted by this Court dated 12.03.2026. This is an admitted fact, as stated by *Ms.N.Kavitha*

Rameshwar, learned counsel appearing for the present respondent/borrower.

9. *Ms.K.R.Ananda Gomathy*, learned Standing Counsel appearing for the petitioner/secured creditor herein would submit that, the total due being more than Rs.21 crores, approximately, only 10% was directed to be paid as a condition precedent by the order of the Debts Recovery Tribunal dated 27.01.2026 and even against that order, the writ petitioner approached this Court and by the further orders on 29.01.2026, the writ petitioner/borrower got time to make payment within two weeks' period. Even that opportunity was not utilised by the writ petitioner/borrower. Again, indulgence had been shown by this Court on 12.03.2026 as a last chance to make the payment on or before 16.03.2026. Even that has not been complied with admittedly. By virtue of this repeated failing of the writ petitioner, the auction originally scheduled to be conducted on 28.01.2026 has been put off by the Bank, thereby, their attempt to sell the property to realise the due has got defeated, therefore, great prejudice has been caused to the petitioner Bank/secured creditor and therefore, the indulgence shown both by the Debts Recovery Tribunal as well as this Court two times is nothing but a misplaced sympathy shown on the respondent/borrower and therefore, suitable orders may be passed by this Court by dismissing their petition, was her contention.

10. We have considered the said rival submission made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

11. As has been rightly pointed out by the learned Standing Counsel appearing for the petitioner Bank/secured creditor, first indulgence has been shown by the Debts Recovery Tribunal, where, a conditional order has been passed directing the borrower to pay only 10% as a condition precedent and accordingly, stay was granted. Enjoying the stay, 10% was not paid and the borrower approached this Court by filing W.P.No.3010 of 2026. The time also has been extended for further two weeks' period by our order dated 29.01.2026, where, the plea taken by the borrower was, even though the borrower was willing to make the payment, there was no breathing time to mobilise the funds of Rs.2,50,00,000/- and therefore, indulgence was shown by giving two weeks' time. Even within the said two weeks' period, nothing has been moved. Again, a petition for extension of time, that is W.M.P.No.11038 of 2026, has been moved before this Court and this time, as last chance, time was granted till 16.03.2026 to make payment and to file compliance report and that has not been complied with.

12. Therefore, though for three occasions, the Debts Recovery Tribunal as well as this Court have shown indulgence in favour of the writ

petitioner/borrower, none of the orders have been complied with or honoured by the writ petitioner/borrower. That was the very scant respect shown to the Courts and thereby, considerable judicial time has been wasted by the writ petitioner/borrower without any plausible reason.

13. Normally, in SARFAESI matters, High Court would not show any indulgence by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India, unless there is a suitable cause in favour of the writ petitioner/borrower. Here, in the case in hand, such indulgence though had been shown by this Court for more than once, the opportunities have not been utilised, thereby, the writ petitioner/borrower has approached this Court with an ill intention to defeat the lawful move of the secured creditor to recover the money in the manner known to law, especially, under the provisions of the SARFAESI Act.

14. Therefore, this attitude on the part of the writ petitioner/borrower is to be deprecated, thereby, this very petition filed by the Bank has to be allowed by dismissing the time extension petition with huge costs, payable by the borrower to the Bank.

15. In that view of the matter, we are inclined to allow the present petition in favour of the Bank with the cost of Rs.5,00,000/- payable by the writ petitioner/borrower to the present petitioner/Bank/secured creditor, which could also be collected along with the total due payable by

the writ petitioner/borrower under the provisions of the SARFAESI Act. It is now open to the secured creditor/Bank to proceed with the recovery of the money by invoking the provisions of the SARFAESI Act forthwith.

16. With these, the present petition, that is W.M.P.No.12909 of 2026 is disposed of in connection with the orders passed both in W.M.P.No.11038 of 2026 and W.P.No.3010 of 2026.

(R.S.K.,J.) (N.S.,J.)
01-04-2026

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

(*drm*)

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R.SURESH KUMAR J.
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