



W.P.No.24047 of 2024

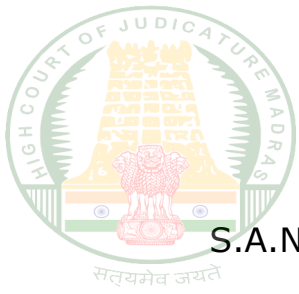
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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI,J.

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

The petitioner has filed this writ petition seeking issuance of a writ of certiorarified mandamus to call for the records of the Debt Recovery Appellate Tribunal, Chennai, pertaining to the order dated 1.8.2024 passed in I.A.No.379 of 2024 in I.A. No.378 of 2024 in AIR (SA) No.722 of 2024, and quash the same as illegal.

2. The petitioner is a co-borrower. The borrower is his son. There was a default in payment of the loan amount. The account of the petitioner was declared as a Non-Performing Asset and proceedings were initiated against the petitioner by invoking the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Assailing the possession notice, the petitioner approached the Debts Recovery Tribunal-II, Chennai. By order dated 1.5.2024 passed in



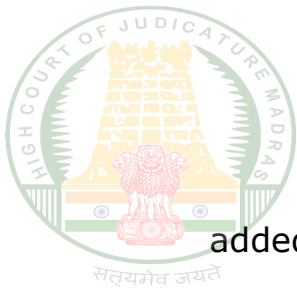
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S.A.No.213 of 2024, stay of the proceedings initiated by the respondent/bank was granted subject to payment of Rs.21 lakh in three equal instalments as directed in the said order.

3. Calling in question the said order dated 1.5.2024 passed by the DRT, the petitioner filed an appeal before the Debt Recovery Appellate Tribunal, Chennai, along with an application seeking waiver of statutory deposit. Considering the fact that the amount outstanding as per the notice issued under Section 13(2) of the Act is Rs.67,83,372/-, the DRAT, by order dated 1.8.2024, directed the petitioner to deposit a sum of Rs.16,95,843/- [25% of the outstanding amount] on or before 16.8.2024. Challenging the said order passed by the DRAT, the present writ petition is filed.

4. Learned counsel for the petitioner submitted that the petitioner is ready and willing to settle the outstanding loan amount after negotiating with the respondent/bank. He further submitted that the matter may be referred to the Tamil Nadu Mediation and Conciliation Centre for arriving at an amicable settlement. He



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added that the petitioner undertakes to deposit a sum of Rs.5 lakh with the respondent/bank to show his bona fides.

5. Considering the facts and circumstances of the case and the submissions made by learned counsel for the petitioner, more particularly the submission that the petitioner is intending to settle the outstanding amount, we are inclined to entertain the writ petition, subject to the condition that the petitioner deposits a sum of Rs.10 lakh with the respondent/bank within two weeks, i.e., on or before 2.9.2024.

6. Issue notice to the respondent; returnable by 3.9.2024.

7. Post the matter on 3.9.2024 for reporting compliance.

(D.K.K., A.C.J.)

(P.B.B., J.)

19.08.2024

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