IN THE DEBT RECOVERY APPELLATE TRIBUNAL AT CHENNAI

Dated the 21st Day of April, 2026

PRESENT: HON'BLE MR. JUSTICE G. Chandrasekharan
CHAIRPERSON

IA 223/2021 (Delay)
In
AIR (SA) 68 of 2020
(Arising out of SA 453/ 2016 on the file of DRT-III, Chennai)

Between

Indian Bank,
Rep. by Senior Manager: Jitendra Pradhan,
ARM Branch,
No.55 Ethiraj Salai,
Chennai 600 008 . .....Appellant

And

1. Banumoorthy,
   S/o S. Maqsilamani,
   No. 27/11 Pilliyar Koil Lane,
   Saidapet, Chennai 600 015.

2. M/s. Blu Jagers Estates Ltd.,
   Office at No. 9 Ground Floor,
   II Street, Dr. Thirumurthy Nagar,
   Chennai 600 018.

3. M/s. Blue Jagers Properties,
   Head Office at : 5-D Century Plaza,
   5th Floor, Opp. A.G's Office,
   Anna Salai, Chennai 600 018.

4. Mr. C.N. Embar,
   S/o C.A. Narasimalu,
   No.1 Chennakesava Perumal Koil Street,
   Choolai, Chennai 600 012.

5. A.S. Ramanujam,
S/o Sarangapani Naicker,
No. 37, Arimuthu Maistry Street,
Choolai, Chennai 600 102. - (Dies)

6. V. Balasubramanian,
S/o N. Venkataraman,
No. 19A, Somasundaram Street,
T.Nagar, Chennai 600 015.

7. D. Ravi,
S/o M. Durai,
No. 151 Vanniar Street,
Kodambakkam, Chennai 600 024.

8. P. Tamilselvi,
W/o K. Prithivi Kumar,
No.3/2 Kannadasan Street,
Parvathy Nagar Extension,
Old Perungalathur,
Chennai 600 063. .....Respondents

Counsel for Appellants : M/s Aiyar & Dolia

Counsel for Respondents : M/s. . G. Sanjeevi-R1

R2 to R4 PP effected

R6 to R8 -set exparte

ORDER

. This application is filed for condoning the delay of 1189 days in filing the appeal.

2. Learned counsel for the petitioner/appellant submitted that the first respondent herein filed SA 453/2016 against the measures taken for the sale of the property i.e. a plot. Learned Presiding Officer, DRT-III, Chennai, without considering the grounds raised by the appellant herein/ 8th respondent before the Tribunal, allowed the securitization application on 09.11.2016. Aggrieved against this order, this appeal is filed, of course, with an application to condone the delay.

3. It is submitted by the learned counsel for the petitioner-Bank that the account in question was originally maintained at the ARM Branch and was subsequently transferred to the Uttamar Gandhi Salai Branch. This transfer coupled with the fact that the legal processing and appellate approvals are handled exclusively at the Regional/Head Office, resulted in unavoidable procedural delay. The physical and electronic movement of records, internal correspondence and verification of documents among the Branch, Regional Office and the legal department required additional time. The multi-tiered internal approval system and inter-branch co-ordination necessary to compile and authenticate the complete set of documents further contributed to the delay in filing the appeal. The delay is thus bonafide, procedural and beyond the control of the petitioner/appellant-Bank. On these grounds, learned counsel for the

petitioner/appellant seeks for condonation of delay in filing the appeal.

4. Learned counsel for the first respondent strongly opposes this application on the ground that the reasons stated in the original affidavit for the delay is different from reasons stated in the better affidavit filed. This huge delay cannot be condoned in view of the unjustifiable reasons stated in the affidavit filed in the condone delay application.

5. Considered the rival submissions and perused the records.

6. As narrated above, SA 453/2016 came to be allowed primarily on the ground that the first respondent is the third party-bonafide subsequent purchaser without any knowledge about the loan transaction between the petitioner-Bank and the borrower. This Tribunal, in a similarly placed matters, upheld the order allowing the securitization application. Though this Tribunal is not required to consider the merits of the appeal in view of the decision already taken in the similarly placed matter, this Tribunal is of the view that even if the Tribunal condoned the delay, the probability of success in the appeal is very thin. Be that as it may, the reasons for condoning the delay of 1189 days in filing the appeal attributing the procedural/administrative reasons cannot be accepted for the mere reasons that the delay is

huge, especially, when the petitioner/appellant was already a party to the proceedings before the Tribunal.

7. Thus, this Tribunal finds that the petitioner/appellant has not made out a valid ground for condoning the delay of 1189 days in filing the appeal. Therefore, IA 223/2021 is dismissed. Consequently, the appeal is AIR (SA) 68/2020 is rejected. Parties shall bear their own costs. Pending IAs, if any, shall stand closed.

Sd/-
[Justice G. Chandrasekharan]
CHAIRPERSON

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