

**BEFORE THE DEBTS RECOVERY APPELLATE TRIBUNAL: KOLKATA
CAMP COURT AT DRT, VISAKHAPATNAM**

Regular Appeal Dy.No.768 of 2023

(Arising out of SA No.222/2017 In DRT, Visakhapatnam)

**THE HON'BLE JUSTICE MR. ANIL KUMAR SRIVASTAVA,
CHAIRPERSON**

1. Sri. G. Chenchu Dayakar Reddy (died), represented by his legal heirs, H. No.81-29-2/1.81-29-2/1,Plot No.18, SBI Cooperative Housing Society limited Near Venkateswara Nagar Junction Road, Road No.2, Venture -2, Rajahmundry Municipality, East Godavari District.

2. Smt. Gunnamreddy Bhudevi, W/o G. Chenchu Dayakar Reddy (deceased), H. No.81-29-2/1.81-29-2/1,Plot No.18, SBI Cooperative Housing Society limited Near Venkateswara Nagar Junction Road, Road No.2, Venture -2, Rajahmundry Municipality, East Godavari District.

3. Ms. Geddam Aruna Reddy, D/o G. Chenchu Dayakar Reddy (deceased), H. No.81-29-2/1.81-29-2/1,Plot No.18, SBI Cooperative Housing Society limited Near Venkateswara Nagar Junction Road, Road No.2, Venture -2, Rajahmundry Municipality, East Godavari District.

4. Ms. Y. Sailaja Reddy, D/o G. Chenchu Dayakar Reddy (deceased), H. No.81-29-2/1.81-29-2/1,Plot No.18, SBI Cooperative Housing Society limited Near Venkateswara Nagar Junction Road, Road No.2, Venture -2, Rajahmundry Municipality, East Godavari District.

5. Sri. Gunnamreddy Madhusudhan Reddy, S/o G. Chenchu Dayakar Reddy (deceased), H. No.81-29-2/1.81-29-2/1,Plot No.18, SBI Cooperative Housing Society limited Near Venkateswara Nagar Junction Road, Road No.2, Venture -2, Rajahmundry Municipality, East Godavari District.

6. Geddam Aruna Reddy, H. No.81-29-2/1.81-29-2/1,Plot No.18, SBI Cooperative Housing Society limited Near Venkateswara Nagar Junction Road, Road No.2, Venture -2, Rajahmundry Municipality, East Godavari District.

.....Appellants

----Versus-----

UCO Bank, represented by its Authorised Officer, Assets Management Branch, D.No.6-3-1108, Ground Floor, Navabharat Chambers, Raj Bhavan Road, Somajiguda, Hyderabad State of Telangana.

.....Respondent

Mr. R. Padmanabha Raju
Learned counsel for the Appellant

(Through VC)

Ms. Varsha Khowala
Learned counsel for the
respondent bank (Through VC)

JUDGMENT : **Dated 17th July, 2026**

THE APPELLATE TRIBUNAL:

1. Heard the Ld. Counsel of appellant as well as the Ld. Counsel of respondent. Perused the records.

2. I.A. No.409 of 2023, application filed under Sec.5 of the Limitation Act for condonation of delay of 1145 days in preferring an appeal against the order dated 03.08.2020 passed by the Learned DRT, Visakhapatnam in S.A. No.222 of 2017 between 'Sri G. Chenchu Dayakar Reddy & Anr., vs UCO Bank'.

3. S.A. No.222 of 2017, between 'Sri G. Chenchu Dayakar Reddy & Anr., vs UCO Bank', was decided by the Learned DRT on 03.08.2020, wherein the SA was allowed and the bank was directed not to proceed further in pursuance of the e-auction notice dated 24.05.2017 in respect of schedule properties, subject to the condition that the securitisation applicant shall pay SARFAESI costs and expenses incurred by the bank within 15 days of the order. On receipt of the amount within the stipulated period, bank was further directed to release the documents of the schedule property. Further direction was issued to the securitisation applicant that, if fails to comply the order of the payment of costs, the bank would be at liberty to proceed in accordance with law.

4. The securitisation applicant did not comply the order of the SA and preferred an appeal against the impugned order on 22.10.2023 with the I.A. No.409 of 2023 under Sec.5 of the Limitation Act for condonation of delay on the ground that the

appellants tried to obtain the information from the bank regarding the costs incurred by the bank as per the order of the DRT, but no information was provided by the bank. Ultimately, a letter dated 24.09.2020 was also written by the appellants to the bank which was not responded. Thereafter, due to Covid-19 pandemic, appellant could not proceed further and fell ill. After recovery, he filed the appeal on 22.10.2023.

5. Ld. Counsel for the appellant would submit that the appellant made all the efforts to comply the order of the DRT but since the bank did not furnish the required information, appellant could not comply the order. Thereafter, due to Covid-19 pandemic, he suffered Covid-19 and after recovery, he preferred the appeal.

6. Ld. Counsel for the respondent bank opposed the prayer and submit that no sufficient cause could be shown by the appellant for condonation of delay.

7. As far as the issue of condonation of delay under Sec.5 of the Limitation Act is concerned, law is very well settled by the Hon'ble Apex Court in the case of ***Sheo Raj Singh (Deceased) through Legal Representatives & Others -vs- Union of India & Another [(2023) 10 SCC 531]*** has held in paragraphs 30 and 32 as under:

"30. X x x condonation of delay being a discretionary power available to courts, exercise of discretion must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation, the length of delay being immaterial."

"32. x x x At this stage, we cannot but lament that it is only excuses, and not explanations, that are more often accepted for condonation of long delays to safeguard public interest from those hidden forces whose sole agenda is to ensure that a meritorious claim does not reach the higher courts for adjudication."

8. The Hon'ble Apex Court in **State (NCT of Delhi) -vs- Ahmed Jaan [(2008) 14 SCC 582]**, held that proof of sufficient cause is a condition precedent. In para 10 it is held that

"There is no general principle saving the party from all mistakes of its Counsel could be laid. The expression 'sufficient cause' must receive a liberal construction so as to advance substantial justice and generally delays in preferring the appeals are required to be condoned in the interest of justice where no gross negligence or deliberate inaction or lack of bona fides is imputable to the party seeking condonation of delay."

9. The Hon'ble Apex Court in **S. Ganesharaju (Dead) through LRs -vs- Narasamma (Dead) through LRs [(2013) 11 SCC 341]** in para 12 it was held that

"Unless the Respondents are able to show mala fides in not approaching the Court within the period of limitation, generally as a normal rule, delay should be condoned. The trend of the Courts while dealing with the matter with regard to condonation of delay has tilted more towards condoning delay and directing the parties to contest the matter on merits, meaning thereby that such technicalities have been given a go-by."

It was further held in para 14 that :

"Since sufficient cause has not been defined, thus, the Courts are left to exercise a discretion to come to the conclusion whether circumstances exist establishing sufficient cause. The only guiding principle to be seen is whether a party has acted with reasonable diligence and had not been negligent and callous in prosecution of the matter."

10. It is the duty of the appellants to show a sufficient cause for condonation of delay. In the present case, SA was decided in favour of the appellant subject to the condition of payment of expenses and costs incurred by the bank which was to be paid within 15 days. This order was passed on 03.08.2020. Appellant voluntarily did not comply the order. There is nothing available on record that any due diligence was made by the appellant in obtaining the details of the costs and expenses incurred by the bank in the SARFAESI action. Even on 24.09.2020, when the appellant allegedly sent a letter to the bank, even that letter is not annexed with the application. However, even for the sake of arguments, we accept that a letter was sent by the appellant on 24.09.2020 to the

bank, even thereafter, the appeal was filed on 22.10.2023, although the Covid-19 pandemic was already over by then. Hence, the whole scenario of the facts would reveal that the only purpose of the appellant was to drag on the proceedings by not complying the order of the DRT and to keep the matter pending. A litigant who himself is not vigilant of his own rights cannot seek any equity.

11. No sufficient ground or cause could be shown by the appellant for the condonation of delay of 1145 days.

O R D E R

12. I.A. No.409 of 2023 is devoid of any merits and is accordingly dismissed. Consequently, Appeal Dy. No.768 of 2023 is also dismissed as time barred. Pending I.A., if any, is also disposed of. Costs easy.

File be consigned to record room.

Copy of the Judgement/Final Order be uploaded in the Tribunal's website.

Order dictated, signed and pronounced by me in the open Court on this the 17th day of July, 2026.

(ANIL KUMAR SRIVASTAVA, J)
Chairperson

Dated 17th July, 2025
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