

IN THE DEBT RECOVERY APPELLATE TRIBUNAL AT CHENNAI

Dated the 28th day of July, 2026

**PRESENT: HON'BLE MR. JUSTICE G. CHANDRASEKHARAN
CHAIRPERSON**

IA No.166/2026 (Delay)

In

AIR 536/2025

(arising out of OA 830/2017 on the file of DRT-I, Bangalore)

Between

1. M/s Triton Motor Spares,
Represented by its Proprietor
Mr. V. Bhaskar,
S/o Sri Veeraswamy,
R/at No.2, Lakshmaiah Block
Ganganagar North,
Opposite to Hebbal veterinary College,
Bangalore 560 024.

2. Smt. Sreelatha B.C.
W/o Sri V. Bhaskar,
R/at No.48, M.T.B. Road,
(Mavali Tank Bund Road)
Kalasipalayam New Extension,
Bangalore 560 002.

.... Appellants

And

Canara Bank
Hebbal Branch,
No.12, Next to Bangaluru Baptist Hospital,
Bellary Road, Hebbal, Bangalore 560 024.

Also at:

Asset Recovery Management – 1,
No.86, Spencer Towers, M.G. Road,
Bangalore 560 001.

.... Respondents

Counsel for Appellants	:	M/s M.A. Rajendra & R. Kannan
Counsel for Respondent Bank	:	M/s M.L. Ganesh & S. Arunkumar

ORDER

1. This application is filed under Section 20(3) of RDB Act read with Section 14 of the Limitation Act, for condoning the delay of 1269 days in filing this Appeal.
2. This Appeal is filed to set aside the order dated 30.8.2021 passed by the Learned Presiding Officer, DRT-I, Chennai in OA 830/2017. OA 830/2017 was filed for recovery of Rs.59,47,650/- with further interest, costs, etc.
3. The affidavit filed in support of the petition filed for condoning the delay of 1269 days deals with various aspects like avilment of credit

facilities from the respondent bank, charging of penal interest and classification of the account as NPA, filing of SARFAESI applications, Writ proceedings before the Hon'ble High Court of Karnataka. Those details are not necessary for the disposal of the application filed for condonation of delay.

4. Learned Counsel submitted that the reason according to the petitioners for the delay of 1269 days in filing the appeal is that, within 30 days from the date of passing of the impugned order by DRT-I, Bangalore on 30.8.2021, the petitioners/appellants invoked the jurisdiction of the High Court of Karnataka by filing WP No.21676/2022 (GM-DRT) connected with WP No.11808/2021 (GM-RES), WP No.11811/2021 (GM-RES) and WP No.14880/2022 (GM-DRT) on 23.7.2022. These writ petitioners came to be rejected by the Hon'ble High Court of Karnataka on 2.6.2023, by giving liberty to the petitioners to approach DRAT within 30 days from the date of receipt of the order.

- 4.1 Aggrieved against the Common Order passed in WP No.21676/2022 (GM-DRT) and others, petitioners filed Writ Appeal in WA 855/2023 and that was dismissed on 20.2.2024. Aggrieved against this order,

petitioners filed Review Petition in RA 377/2024 and it was also dismissed on 10.2.2025 giving liberty to the petitioners to approach DRAT. Thereafter, this appeal is filed on 21.3.2025. Therefore, delay of 1269 days had occurred in filing this appeal.

4.2 Since petitioners/appellants had been prosecuting the remedy before the Hon'ble High Court of Karnataka in Writ Petition, Writ Appeal and Review Petition, the time spent in prosecuting these proceedings has to be condoned under Section 5 and Section 14 of the Limitation Act.

4.3 It is further submitted that most of the delay period was covered by the Order of the Hon'ble Supreme Court in order of the Hon'ble Supreme Court of India dated 10.1.2022 passed in *suo moto* Writ Petition (C) No.3/2020, wherein the Apex Court was pleased to extend the period of limitation for filing cases in Courts and Tribunals by excluding the period from 15.3.2020 till 28.2.2022 and upto 90 days from 1.3.2022. Petitioners were not able to approach this Tribunal because of travel restrictions imposed during COVID-19 pandemic situation. Thus, he prayed for condoning the delay of 1269 days in filing this appeal.

5. Learned Counsel appearing for the respondent bank strongly opposed the delay condonation application on the ground that even after the dismissal of Writ Petition Nos.11808/2021, 11811/2021, 14880/2021 and 21676/2022 on 2.6.2023 vide a Common Order by observing that liberty is reserved to the petitioners to approach DRAT and the time spent before the Hon'ble High Court Karnataka to be taken note of by the Appellate Tribunal for computing the period of limitation. Instead of filing appeal before this Tribunal petitioners challenged the Common Order passed in the above WPs by filing Writ Appeal in WA No.855/2023 and the Hon'ble Division Bench of the High Court of Karnataka dismissed the Writ Appeal on 20.2.2024 stating that the petitioners have to prefer an appeal before the DRAT under Section 20 of the RDB Act. There is no direction for exclusion of time consumed in prosecuting the Writ Appeal in computing the period of limitation.

5.1 Thereafter, petitioners filed Review Petition in RA 377/2024 against the order passed in Writ Appeal 855/2023 (GM-DRT) and that was also dismissed on 10.2.2025, confirming the order of the Learned Single Judge and upheld by the Hon'ble Division Bench of the High Court of Karnataka. There is no direction for exclusion of time spent in

prosecuting the review application for computing the period of limitation. Delay of 1342 days in filing the appeal is an extraordinary delay and no valid and cogent reasons are given for the delay. Petitioners were initiating vexatious proceedings before the Hon'ble High Court of Karnataka only to drag on the proceedings. There are no bona fides or good faith on the part of the petitioners in initiating proceedings before the Hon'ble High Court when there is an effective and alternative forum is available for the disposal of the appeals filed against the orders passed by the DRTs, viz., DRAT. Thus, he prayed for dismissal of the condone delay application.

6. I have considered the rival submissions and perused the records.
7. Learned Counsel for the petitioners/appellants produced a Chart to show the date of disposal of OA 830/2017, date of filing of Writ petitions, Writ Appeal and the Review Application and their respective date of disposal along with date of the copies received. For better understanding, it is extracted as under.

W.P. No.	Order passed by DRT-I in O.A challenged	Certified copy received	Grace period (Days)	Covid Exemption 15.03.2020-28.02.2022	Delay in filing Writ Petition (Days)	Filing Date of Writ Petition	Writ Petition Disposed	Days Spent Before High Court in Writ Petition	Certified copy received
1	2	3	4	5	6	7	8	9	10
14880/2022 (Triton spares) O.A.No.830/2021	30.08.2021	14.09.2021	30	182	99	23.07.2022	02.06.2023	314	22.06.2023

Writ Appeal No.	Writ Appeal Filing Date (Filed within time)	Writ Appeal Disposed	Days Spent Before High Court in Writ Appeal	Certified Copy of WA. No.855/2023	Grace Period in Filing Review Petition	Delay in Filing Review Petition (Condoned-30+119 days)	Review Petition Filed before High Court	Review Petition Disposed	Days Spent Before High Court in Review Petition
11	12	13	14	15	16	17	18	19	20
855/2023	20.07.2023	20.02.2024	215	06.03.2024	30	148	01.08.2024	10.02.2025	193

8. From this table, it is seen that OA 830/2017 was disposed on 30 .8.2021.

Certified copy was received on 14.9.2021. Appeal time is 30 days from the date of receipt of copy of the order. There is exemption granted by Hon'ble Supreme Court of India in *suo moto* Writ Petition (C) No.3/2020 in computing the period of limitation for filing cases in Courts and Tribunals by excluding the period from 15.3.2020 till 28.2.2022 and upto 90 days from 1.3.2022.

8.1 Writ Petition was filed on 23.7.2022 with a delay of 99 days. Writ petition was disposed on 2.6.2023. Certified copy of the order passed in Writ Petition was received on 22.6.2023. Writ Appeal was filed on 20.7.2023 and it was disposed on 20.2.2024. Certified copy of the Write Appeal order was obtained on 6.3.2024. Limitation for filing review application was 30 days from the date of receipt of copy of the order. Review Application in RA 377/2024 was filed with a delay of 148 days on 1.8.2024. Review application was disposed on 10.2.2025 and the copy of the order was received on 24.2.2025. Thereafter, this appeal was filed on 21.3.2025, challenging the order passed in OA 830/2017 on 30.8.2021.

9. From the dates and events, it is clear that Writ Petition itself was filed on 23.7.2022, with a delay of 52 days after the exemption period from 15.3.2020 till 28.2.2022 and extended upto 90 days from 1.3.2022, granted by the Hon'ble Supreme Court of India was over. After disposal of the Writ Petition on 2.6.2023 and on receipt of copy of the order on 22.6.2023, Writ Appeal No.855/2023 was filed on 20.7.2023. Writ Appeal was disposed on 20.2.2024 and the copy of the order was received on 6.3.2024. Review Application No.377/2024 was not filed in time and was filed with a delay of 148 days. It is quite obvious that there is delay in every stage in filing this appeal, writ petition and the review application.

10. Learned Counsel for the petitioners submitted that due to COVID-19 travel restrictions, petitioners could not come to Chennai and proceed with filing of the appeal before DRAT, Chennai. There was a total lockdown during COVID 19 pandemic from 25.3.2020 to 31.5.2020. Thereafter, lockdown was lifted partially and it was completely lifted from 1.3.2022. That was the reason Hon'ble Supreme Court of India exempted the period from 15.3.2020 to 28.2.2022 in computing the

limitation for proceedings before Courts/Tribunals and extended upto 90 days from 1.3.2022. Admittedly, Writ petition was filed only on 23.7.2022, after a delay of 52 days computing from 1.6.2022.

11. Hon'ble High Court of Karnataka only directed this Tribunal to take note of the time spent before the Hon'ble High Court of Karnataka in prosecuting the writ petition for computation of period of limitation. There is no direction given for excluding the delay of 52 days from 1.6.2022 to 23.7.2022 that had occurred in filing the writ petition. Unless this delay is justified with valid reason, this period cannot be condoned. Unfortunately, no justifiable reasons given for the delay.
12. It is made clear in the Common order passed in the writ petitions that writ petitions which involve serious questions of fact will have to be thrashed only before the DRAT. Therefore, writ petitions are not entertainable as High Court does not find any statutory violation for the petitioners to invoke jurisdiction of the High Court under Article 226 of Constitution of India.

13. Assuming that petitioners were not aware that there is Debt Recovery Appellate Tribunal for dealing with the appeals filed against the orders passed by the DRTs, at least from this order, petitioners ought to have known that DRAT is the proper and appropriate forum for challenging the order passed in OA 830/2017. Instead of filing the appeal before this Tribunal within 30 days from the receipt of copy of the order in Writ petition, petitioners proceeding to file Writ Appeal No.855/2023. Hon'ble High Court of Karnataka while disposing the said writ appeal on 20.2.2024 held in paragraph 5 of its order, as follows:

“5. The settled position with regard to remedy against the order passed by the DRT on O.A. filed under Section 19 of Recovery of Debts and Banruptcy Act, 1993, is to prefer appeal under Section 20 before the DRAT. We are at one with the view taken by the Hon'ble Single Judge. In the circumstance, this appeal fails and it is accordingly dismissed. “

14. This order once again makes it abundantly clear that the remedy against the order passed by DRT filed under Section 19 of the RDB Act lies in preferring appeal before the DRAT under Section 20 of the RDB Act. Even after this order, petitioners had not approached this Tribunal.

Instead, petitioners filed Review Application in RA 377/2024, which got dismissed on 10.2.2025 confirming the order passed by the Learned Single Judge and upheld by Hon'ble Division Bench of High Court of Karnataka.

15.It is pertinent to note that in both the orders passed in Writ Appeal and the Review Application, there is no express direction given to condone the time spent in prosecuting the writ appeal and the review application. As already stated, review application itself was filed with a delay of 148 days.

16.Section 14 of the Limitation Act can be applied for exclusion of time in prosecuting the proceedings before a forum which has no jurisdiction, if proceeding relates to the same matter in issue and is prosecuted in good faith in a court, which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it. Catch word is, "good faith".

17.In the case before hand, writ petition itself was filed on 23.7.2022 with a delay of 52 days, computing from 1.6.2022. Despite specific direction

from the Single Judge of the Hon'ble High court of Karnataka to approach DRAT within 30 days from the date of receipt of copy of the order, petitioner had not filed the appeal and chose to prefer writ appeal and review application. In the writ appeal, it was made explicitly clear that appeal filed against the order of the DRT has to be filed only before DRAT. Even thereafter, appeal was not filed immediately before this Tribunal and review application was filed before the Hon'ble High Court of Karnataka. Therefore, it cannot be said that petitioners bonafidely and in good faith prosecuted the writ appeal and the review application, after knowing well that only this Tribunal has the jurisdiction to challenge the order passed in OA 830/2017. Petitioners have not explained the delay as required either under Section 5 or Section 14 of the Limitation Act with sufficient, reasonable and sustainable reasons to condone 1269 days of delay, except the period of delay condoned in Hon'ble High Court in Writ petition and the Hon'ble Supreme Court in its order dated 10.1.2022 passed in *suo moto* Writ Petition (C) No.3/2020. No other valid ground was placed for justifying the delay in filing this appeal.

18. In this view of the matter, this Tribunal finds that there are no sufficient, reasonable, valid and justifiable reasons attributed for condoning the inordinate delay of 1269 days in filing this appeal and this delay condonation application is liable to be dismissed.

19. Accordingly, IA 166/2012 (delay) in AIR 536/2025 is dismissed with the costs of the respondent bank. Consequently, Appeal AIR 536/2025 is rejected.

[Dictated to PS (SN) transcribed by him, corrected, signed and pronounced by me in open court, this 28th July, 2026]

**Sd/-
(JUSTICE G. CHANDRASEKHARAN)
CHAIRPERSON**