

IN THE DEBTS RECOVERY APPELLATE TRIBUNAL AT CHENNAI

Dated the 29th of July, 2026

PRESENT: Hon'ble Mr. Justice G. Chandrasekharan
CHAIRPERSON

M.A: 71/2025

(MA 66/2024 in TA1127/2023 on the file of DRT-III, Chennai)

BETWEEN

IDBI BANK LIMITED,
having its Registered Office at IDBI Tower,
WTC Complex, Cuffe Parade,
Mumbai - 400 005 and

its RBG - Regional Office at P.M. Towers, First floor,
No.37, Greams Road,
Chennai - 600 006 and

Zonal Office at 115, Anna Salai,
Saidapet, Chennai - 600 015.

... Appellant

AND

1. P Rajarajan Enterprises,
Represented by its Managing Partner, Shri. R Parthiban,
Having its office at No.39, Ward No.108,
Habibullah Salai, T. Nagar, Chennai - 600 017.

2. R. Parthiban, S/o. Late K.A. Rishikesavan,
No.39, Ward No.108,
Habibullah Salai, T. Nagar, Chennai – 600 017.

3. P. Usha,
W/o. R. Parthiban,
No.39, Ward No.108,
Habibullah Salai, T. Nagar, Chennai – 600 017.

4. R.P. Rajarajan, S/o. R. Parthiban,
No.39, Ward No.108,
Habibullah Salai, T. Nagar, Chennai – 600 017.

... Respondents

Counsel for Appellants : M/s. E. Hariharan

Counsel for Respondent Bank : Ms. Ananda Gomathy and Mr. R. Roshan

ORDER

1. This Appeal is filed against the order passed in MA 66/2026 in TA 1127/2023 (OA 508/2019).

2. It is submitted by the Learned Senior Counsel appearing for the Appellant that OA 508/2019 was dismissed for default for non-prosecution, on 19.01.2024 by DRT-II, Chennai primarily on the ground that Proof Affidavit has not been filed. The Bank filed a restoration application and that application was also allowed. The Learned Presiding Officer passed an order stating the lis-pendens interest to be calculated from the date of restoration. Aggrieved against this order, this Appeal is filed.

2.1 It is also submitted that instead of depriving the interest, the application should have been allowed by imposing costs. This was upheld by the Hon'ble Supreme Court of India in certain matters of similar nature.

3. Learned Counsel for the Respondents opposes this Application on the ground that Proof Affidavit ought to have been filed on 12.03.2021, but it was filed on 14.07.2021. He further submitted that on 19.01.2024, the Learned Presiding Officer, passed the following order:

“ OA No. 508/2019 is transferred from DRT-II, Chennai on bifurcation of jurisdiction and renumbered as TA 1127/2023.

Taken up through E-drt applicant bank did not take any steps to file PA and OD and process the same, despite availing substantial number of adjournments (14 adjournment before DRT-II plus 5 Covid-19 re-postings) from 06.01.2020 and five adjournments after transfer of case to this Tribunal and two adjournments after disallowing interest. Even today PA and OD is not yet processed by applicant-bank and is still under return.

Consequently, TA stands dismissed for default and non-prosecution, however, without costs.”

3.1 This adjudication shows that despite giving sufficient time for filing Proof Affidavit and filing Original Documents, it was kept pending under return. Therefore, prays for dismissal of the OA.

3.2 It is further submitted by the Learned Counsel for Respondent that the Respondent filed a Memo dated 24.04.2024, when the MA 66/2024 was pending, expressing their willing to submit to decree for the claim of Rs.19,93,91,340.59p @ 6% p.a (simple), i.e. the interest to be calculated at 6% p.a. (simple) from the date of filing of the Original Application till the date of realization. This Memo was even referred by the Learned Presiding Officer in the impugned order, and there was a direction issued to put up for consideration on 10.12.2024. The Appellant filed objections to this Memo. Still, there is no decision taken on this Memo by the Learned Presiding Officer.

4. Considered the rival submissions and perused the records.

5. From the order impugned, it is seen that restoration was permitted subject to lispendens interest be calculated from the date of restoration.

6. Lispendens starts from the date of filing the OA till the disposal i.e. the ex-parte dismissal order passed on 19.01.2024. MA 66/2024 was filed on 19.03.2024 and allowed on 28.10.2024. OA was filed in the year 2019. Disallowing the lispendens interest from the date of filing the OA in the year 2019 till the disposal of the MA 66/2024 is not legal and appropriate.

7. Be that as it may, this Tribunal leaves the matter of lispendens interest from the date of disposal on 19.01.2024 till the date of restoration to be adjudicated by the Learned Presiding Officer, DRT-III, Chennai at the time of final disposal of the OA. However, this Tribunal finds that despite giving sufficient opportunity, Proof Affidavit and Original documents were not filed in appropriate form. Therefore, the order is modified to the extent that restoration Application shall stand allowed, subject to payment of costs of Rs.5000/-

to the DRT & DRAT Bar Association (Library Fund) on or before 27.07.2026.

8. The costs of Rs.5,000/- to the DRT and DRAT Bar Association (Library Fund), as ordered, have been paid.

9. The Restoration Application filed in MA 66/2024 in TA 1127/2023, before DRT-III, Chennai, is allowed. Learned Presiding Officer, DRT-III, Chennai, is directed to pass appropriate orders on the Memo filed by the Respondent for submitting to decree, on merits and in accordance with law, as expeditiously as possible. Accordingly this Appeal in MA 71/2025 is disposed of. All pending IAs, if any, stand closed. Both sides shall bear their own costs.

[Dictated to Athistamani, PS, transcribed by her, corrected and signed by me this 29th of July, 2026]

[Justice G. Chandrasekharan]
CHAIRPERSON