

IN THE DEBTS RECOVERY TRIBUNAL – II AT CHENNAI

Dated this 29th day of June, 2026

PRESENT: SHRI SHARANG DHAR UPADHYAY
Presiding Officer

NDN (AP) No.1793 of 2025

M/s ANS Industries
Represented by its Managing Partner
Mr. S. Anbarasan
SF No.51/4B, Perumbadi Road
Nellurpet, Gudiyatham
Vellore District – 632 602

...Appellant

Versus

1. State Bank of India
Stressed Assets Management Branch
No.3, Bakthavachalam Street
Red Cross Buildings, Old No.50, New No.32
Montieth Road, Egmore
Chennai – 600 008
2. S. Anbarasan
S/o Late Mr. Swaminathan
SF No.51/4B, Perumbadi Road
Nellurpet, Gudiyatham
Vellore District – 632 602
3. Mrs. A. Rajakumari
SF No.51/4B, Perumbadi Road
Nellurpet, Gudiyatham
Vellore District – 632 602
4. Mrs. S. Navaneetham
W/o Late Mr. Swaminathan
SF No.51/4B, Perumbadi Road
Nellurpet, Gudiyatham
Vellore District – 632 602
5. S.T. Palaniswamy
No.73/27, V.P. Koil Street
Pichanur, Gudiyatham Taluk
Vellore District

6. A. Anna Durai
No.4/7, Periyar Street
Pavendar Nagar, Rangapuram
Vellore – 632 009
7. Mrs. Tamilselvi
D/o Late Mr. Swaminathan
SF No.51/4B, Perumbadi Road
Nellurpet, Gudiyatham
Vellore District – 632 602
8. Mrs. Thennarasi
D/o Late Mr. Swaminathan
SF No.51/4B, Perumbadi Road
Nellurpet, Gudiyatham
Vellore District – 632 602
9. Arivarasan
S/o Late Mr. Swaminathan
SF No.51/4B, Perumbadi Road
Nellurpet, Gudiyatham
Vellore District – 632 602

...Respondents

ORDERS ON MAINTAINABILITY

1. This case is placed before the Bench for hearing on the question of maintainability.
2. Registry sought for clarification regarding:

“1. No order passed by Recovery Officer is challenged in this Appeal. Hence appeal may be returned.

2. Here an appeal is preferred against any order of the Recovery Officer, under Section 30, by any person from whom the amount of debt is due to a bank or financial institution or consortium of banks or financial institutions, such appeal shall not be entertained by the tribunal unless such person has deposited with the tribunal fifty percent of the amount of debt due as determined by the tribunal.

3. *Appeal filed with delay of 158 days. Hence COD petition along with fee has to be filed.*

4. *Representation delay. COD petition along with fee has to be paid.”*

3. Ld. Counsel for appellant represented the same with the following reply:

“1. We have challenged the Warrant of the Recovery Officer and filed the appeal. Warrant is considered as an order as per the settled law and we shall be able to defend the same before the PO. Hence the appeal filed under Section 30(1) of RDB Act, is correct and maintainable.

2. OA was filed on 25.12.2014 and order was pronounced by the Hon’ble PO on 31.08.2021 and subsequently Recovery Officer has intimated the recovery proceedings by way of warrant and notice for proclamation. During this period assets of the company and guarantor has been sold and proceedings of the same has not been advised against the total demand provided in the OA. The financial institution has also not informed about the actual realisation made through sale of assets. Therefore, arriving at the exact amount due is uncertain at this juncture to arrive at the exact debt, it is necessary that this matter has to be considered by the Hon’ble PO in relation to the quantum to be paid under Section 30A after crystallisation of debt also maintainability of the petition. Therefore, this application may be transferred to Hon’ble PO to decided the above mentioned issues that required to be decided by the Hon’ble PO.

3. As per Section 30(1) we applied for copy of the order on 06.10.2025. We received the copy of the order on 09.10.2025. Therefore, coming begin from of 30 days after limitation.

4. Condone the delay of 06 days in representation of this Appeal (IA Dy No.2945/25 is filed).”

4. Heard the Ld. Counsel for the Appellant on the question of maintainability.
5. The short question that arises for consideration is whether the Warrant of Attachment of Immovable Property dated 16.04.2025 and the Notice for Settling Sale Proclamation dated 03.06.2025 constitute appealable orders of the Recovery Officer under Section 30 of the Act.
6. Section 30 of the Act provides a statutory remedy of appeal against an order made by the Recovery Officer. The appellate jurisdiction conferred upon the Tribunal under the said provision is attracted when an aggrieved person challenges a decision, determination or order passed by the Recovery Officer in exercise of powers vested in him under law.
7. A distinction is required to be drawn between an adjudicatory order passed by the Recovery Officer on the one hand and procedural or ministerial steps undertaken in execution of a Recovery Certificate on the other. Recovery proceedings necessarily involve several consequential steps such as issuance of demand notices, attachment warrants, proclamation notices, sale notices and other measures intended to give effect to the Recovery Certificate. Such actions are ordinarily undertaken as part of the execution mechanism contemplated under the Act and the applicable provisions governing recovery proceedings.

8. In the present case, the prayer in the Appeal reads as follows:

"To set aside the Warrant of Attachment of Immovable Property dated 16.04.2025 pursuant to Notice of Settling Sale Proclamation dated 03.06.2025 issued by the Recovery Officer."
9. A careful reading of the Appeal Memorandum shows that the Appellant has not challenged any adjudicatory order passed by the Recovery Officer. No order deciding any objection, claim, application, dispute or issue has been produced before this Tribunal. The Appellant has not pointed out any determination rendered by the Recovery Officer affecting his rights which is sought to be assailed in the present Appeal.
10. The Warrant of Attachment dated 16.04.2025 is, on the face of it, a recovery measure issued in furtherance of execution proceedings. Likewise, the Notice for Settling Sale Proclamation dated 03.06.2025 is a procedural step undertaken in the course of recovery proceedings preceding sale of the attached property. Both documents form part of the recovery process initiated for realization of the dues covered by the Recovery Certificate.
11. Merely because a recovery measure adversely affects the interests of a judgment debtor or guarantor, it does not automatically assume the character of an appealable order under Section 30 of the Act. What is contemplated under Section 30 is a challenge to an order of the Recovery Officer and not a challenge to every ministerial or procedural step undertaken during execution proceedings.

12. If every warrant, notice or consequential recovery process is treated as an independent appealable order, the execution of Recovery Certificates would become susceptible to repeated challenges at every stage of recovery, frustrating the object of expeditious recovery underlying the statute. The legislative intent behind Section 30 cannot be construed so broadly as to convert each procedural step in execution into a separate cause of appeal.
13. In the present case, the Appellant seeks to challenge only the Warrant of Attachment and the Notice for Settling Sale Proclamation. Neither document discloses any adjudication or determination by the Recovery Officer. The Appeal is therefore directed against consequential recovery proceedings and not against any appealable order passed by the Recovery Officer.
14. This Tribunal is therefore of the considered view that the objection raised by the Registry is well-founded. Since no order of the Recovery Officer is under challenge, the present Appeal does not satisfy the requirements of Section 30 of the Act and is not maintainable.
15. Having held that the Appeal itself is not maintainable, this Tribunal does not consider it necessary to examine the remaining objections relating to limitation, condonation of delay, delay in representation or pre-deposit. Those issues would arise only if a competent and maintainable appeal is before the Tribunal.

16. Accordingly, the objection raised by the Registry is upheld. Hence the following:

ORDER

(a) The Appeal is held to be not maintainable under Section 30 of the Recovery of Debts and Bankruptcy Act, 1993 and is rejected at the threshold.

(b) Registry is directed to close the filing and return the papers to the Appellant, if so required, in accordance with rules.

**Sd/-
(SHARANG DHAR UPADHYAY)
PRESIDING OFFICER
DRT-II, CHENNAI**

(Dictated to PS, who typed in the system directly, corrected, signed and pronounced by me in Open Court, on this 29th day of June, 2026)