BEFORE THE DEBTS RECOVERY TRIBUNAL –II AT CHENNAI

Dated this 3rd day of August, 2026

PRESENT: SHRI SHARANG DHAR UPADHYAY
PRESIDING OFFICER

OA Dy No.1694 of 2025

M/s HDFC Bank Ltd.,
Represented by its Legal Manager
Branch Office at "Retail Service Centre"
49/50, NM Towers, 2nd Floor
Aminjikarai, Nelson Manickam Road
Chennai – 60 029 **…Applicant**

Versus

1. Harikrishnan Subramani
S/o Subramani
H. No.59, Thumbal Road
Yethapur Salem, Athur
Salem – 636 117

2. Manjupriya Harikrishnan
D/o Veerappan
H. No.59, Thumbal Road
Yethapur Salem, Athur
Salem – 636 117 **…Defendants**

ORDERS ON MAINTAINABILITY

1. This unregistered OA has been filed by the applicant bank for recovery of a sum of Rs.27,72,125.04p together with interest at the rate of 10.75% per annum with monthly rests from the defendants jointly and severally and for sale of schedule mentioned properties.

2. On scrutiny, the registry has pointed out that:

"On scrutiny of OA and Statement of Accounts, there is no proof that the loan account is now maintained at applicant bank, Aminjikarai Branch. Further, the defendants' locations are also not covered in the jurisdiction of the DRT-II Tribunal. Hence returned to file at appropriate DRT".

In reply thereto, the applicant has submitted as under:

"*It is humbly submitted that the jurisdiction issue already raised by this Hon'ble Tribunal and satisfied and accepted the jurisdiction and passed the order and disposed the said Original Application for a example TA/166/2022. Hence it is admitted fact and already decided so many cases. Hence, kindly accept this clarification and pass orders numbering this OA",*

3. Thereafter, the Registry has returned the OA observing as follows:-

"*The OA has been returned on jurisdiction basis since it was filed based on the recall notice issued by the Aminjikarai Branch, Chennai.*

1. (i) Under Sec 19(1)(a) "Where the branch or any other office of the bank is maintaining as account in which debt claimed is outstanding for the time being". As per statement of accounts the account is presently being maintained at Sankagiri Branch, Salem District. Further, on BBE Certificate 2A(a) and 2A(c) mentioned that the account is maintained at Aminjikarai Branch for which no proof is available except legal notice.

(ii) Under Sec 19(1)(b) "the defendants at the time of making the application resides" here the defendants are residing at Salem District.

2. In view of the above reason the jurisdiction does not come under the DRT-II. Hence, submitted to decide judicially whether the filing of OA based on the legal notice is maintainable, please."

4. The Ld. Counsel appearing on behalf of the applicant bank submitted that the issue of jurisdiction has already been decided by the predecessor and produced a copy of the order of the Tribunal in NDN 2376/2022(OA) dated 08.09.2023 and submitted that the OA falls under the territorial jurisdiction of this Tribunal. Ld. Counsel also submitted that in similar case this Tribunal has passed final order in TA No.166 of 2022 dated 31.7.2025 and prayed that the Registry be directed to number the OA.

5. Heard the Ld. Counsel for the applicant bank. Perused the records.

Point for Consideration

6. After hearing the Ld. Counsel for the applicant bank and after perusing the records, the only point that arises for consideration is:

Whether this Tribunal possesses territorial jurisdiction under Section 19(1) of the Recovery of Debts and Bankruptcy Act, 1993 merely because the recall notice was issued by Aminjikarai Branch, notwithstanding that the debt is presently maintained at Sankagiri Branch and the defendants are situated outside the territorial jurisdiction of this Tribunal?

Answers to Point for Consideration

7. This matter has been placed before this Tribunal on the administrative side pursuant to the objection raised by the Registry regarding the territorial jurisdiction of this Tribunal to entertain the present Original Application.

8. The applicant bank has filed the present Original Application seeking recovery of a sum of Rs.27,72,125.04 together with contractual interest from the defendants jointly and severally and for sale of the schedule mentioned secured assets.

9. Upon scrutiny of the Original Application, the Registry returned the papers observing that the Statement of Account filed along with the application discloses that the loan account is presently maintained at Sankagiri Branch, Salem District, whereas the Bankers' Books Evidence Act certificates mention that the account is maintained at Aminjikarai Branch, Chennai, without any documentary proof in support thereof except the recall notice issued by the Aminjikarai Branch. The Registry has further observed that the defendants are residing within Salem District and, therefore, neither the location of the defendants nor the place where the debt is maintained falls within the territorial jurisdiction of this Tribunal as contemplated under Section 19(1) of the Recovery of Debts and Bankruptcy Act, 1993. Consequently, the Registry has expressed the view that the Original Application is liable to be presented before the appropriate Debts Recovery Tribunal having territorial jurisdiction.

10. In response to the objection, the learned counsel appearing for the applicant bank submitted that an identical issue had earlier arisen before this Tribunal and the predecessor Presiding Officer, by order dated

08.09.2023 in NDN No.2376/2022 (OA), had accepted the jurisdiction of this Tribunal. It was further submitted that this Tribunal had also entertained and finally disposed of TA No.166 of 2022 by judgment dated 31.07.2025 and, therefore, the Registry is not justified in once again raising the issue of territorial jurisdiction. On the strength of the earlier orders, it was prayed that the Registry be directed to number the Original Application.

11. The issue that falls for consideration is whether this Tribunal possesses territorial jurisdiction to entertain the present Original Application merely because the recall notice was issued by the Aminjikarai Branch, notwithstanding the fact that the Statement of Account reflects that the loan account is presently maintained at Sankagiri Branch and the defendants admittedly reside outside the territorial jurisdiction of this Tribunal.

12. The jurisdiction of the Debts Recovery Tribunal is entirely governed by Section 19 of the Recovery of Debts and Bankruptcy Act, 1993. Being a creature of statute, the Tribunal derives its jurisdiction only from the provisions of the Act and cannot assume jurisdiction on considerations of convenience, administrative practice or previous understanding between the parties. Section 19(1)(a) specifically provides that an application may be filed before the Tribunal within whose jurisdiction the branch or other

office of the bank **is maintaining the account in which the debt claimed is outstanding for the time being**. The words employed by the legislature are clear and unambiguous. The use of the expression "is maintaining" coupled with the words "for the time being" unmistakably refers to the branch where the account actually stands maintained on the date of institution of the Original Application. The provision does not refer either to the branch which originally sanctioned the loan, the branch which subsequently handled recovery proceedings or the branch from which a legal notice has been issued.

13. In the present case, the Statement of Account filed by the applicant itself indicates that the account is presently maintained at Sankagiri Branch. The Statement of Account constitutes the primary record evidencing the maintenance of the loan account. Though the certificates issued under the Bankers' Books Evidence Act mention Aminjikarai Branch, no material whatsoever has been produced to establish that the account had in fact been transferred to Aminjikarai Branch, that such transfer continued to subsist on the date of institution of the Original Application, or that the account is actually maintained there notwithstanding the entries found in the Statement of Account. Except for the recall notice issued by the Aminjikarai Branch, there is no documentary evidence supporting the assertion that the account is maintained at that branch. In the absence of

such evidence, the mere issuance of a recall notice from a particular branch cannot be treated as sufficient to confer territorial jurisdiction under Section 19(1)(a). If such a proposition were to be accepted, the jurisdiction of a Tribunal would depend entirely upon the choice of the bank in issuing a legal notice from any of its branches, irrespective of where the account is actually maintained. Such an interpretation would render the statutory requirement contained in Section 19(1)(a) otiose and would enable parties to create jurisdiction by unilateral administrative acts, which is impermissible in law.

14. Equally, Section 19(1)(b) provides that an application may be filed before the Tribunal within whose jurisdiction the defendants, or any of them, reside, carry on business or personally work for gain at the time of making the application. In the present case, it is not in dispute that all the defendants are situated within Salem District. Therefore, the requirement of Section 19(1)(b) is also not satisfied so as to confer territorial jurisdiction upon this Tribunal.

15. The principal contention of the learned counsel is founded upon the orders passed by the predecessor Presiding Officer in NDN No.2376/2022 (OA) and TA No.166 of 2022. This Tribunal has given anxious consideration to the said submission. There can be no quarrel with the proposition that judicial consistency is a desirable feature of judicial functioning and that

decisions rendered by a coordinate Bench deserve due respect and careful consideration. At the same time, it is equally well settled that a decision rendered by a coordinate Bench of the same Tribunal does not constitute a binding precedent in the strict sense. Such decisions possess persuasive value, but where the subsequent Presiding Officer, upon an independent examination of the statutory provisions, arrives at a different conclusion, it is open to the Tribunal to record its reasons and adopt a different interpretation. More importantly, territorial jurisdiction is a matter of statutory competence. It neither arises from consent nor can it be enlarged by acquiescence, previous practice or an erroneous interpretation adopted in earlier proceedings. If the statute does not confer jurisdiction, repeated assumption of jurisdiction in earlier matters cannot validate its exercise in subsequent cases.

16. Having independently examined the language employed in Section 19(1) of the Act, this Tribunal is of the considered opinion that the statutory test is the place where the debt account is actually maintained on the date of institution of the Original Application and the place where the defendants reside or carry on business. In the present case, both these factors point away from the territorial jurisdiction of this Tribunal. To the extent that the earlier orders proceeded on the premise that issuance of a recall notice from Aminjikarai Branch or the internal administrative arrangements of the

applicant bank are sufficient to confer territorial jurisdiction notwithstanding the actual maintenance of the account elsewhere, this Tribunal, with utmost respect to the learned predecessor Presiding Officer, is unable to persuade itself to subscribe to the said interpretation. Judicial discipline does not require a Tribunal to perpetuate an interpretation which, upon a careful reading of the statutory provision, appears inconsistent with the plain language enacted by Parliament. Respect for earlier decisions cannot override the express mandate of the statute.

17. For all the aforesaid reasons, this Tribunal holds that the present Original Application does not satisfy the requirements of either Section 19(1)(a) or Section 19(1)(b) of the Recovery of Debts and Bankruptcy Act, 1993. The objection raised by the Registry is, therefore, well founded and deserves to be sustained. Accordingly, the following:

ORDER

The Registry is directed to return the Original Application to the applicant bank for presentation before the Debts Recovery Tribunal having the requisite territorial jurisdiction, after due compliance with the applicable procedural requirements.

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 3rd day of August, 2026)