IN THE DEBTS RECOVERY TRIBUNAL-III, CHENNAI

Dated this the 12th day of October, 2026

Present: SMT. S.V. GOWRAMMA
Presiding Officer
IA.No.1527 of 2026
In
SARFAESI APPLICATION No. 468 of 2026

M. Velan,
S/o. Munusamy,
No.A17/2, 3rd Cross Street,
Olympic Colony,
Mogappair, Padi,
Chennai 600 050. ….Applicant

-Vs-

The Authorized Officer,
Piramal Capital & Housing Finance Ltd.,
Regional Office,
"Kalpalathika Towers",
3rd Floor, New No.36, Old No.24,
Dr. Ambedkar Road, Ashok Nagar Main Road,
Kodambakkam, Chennai 600 024. ….Respondent

Counsels on record / appeared:

Counsel for Applicant : M/s. M. Lakshmipathi

Counsel for respondent : M/s. T.K.M. Sai Krishnan

ORDER ON IA No.1527 of 2026 in SA.468 of 2026

1. The present Securitization Application [SA] is filed challenging the Sale held on 08.03.2023 pursuant to E-Auction Sale Notice dated 02.02.2023 and the outstanding amount due as per Sale Notice is Rs.1,13,84,402.66/-

2. The applicant has filed the SA on 03.07.2026 with a delay of 1167 days, hence IA No.1527 of 2026 is filed to condone the delay of 1167 days contending that the applicant has challenged the Sale Notice dated

02.02.2023 wherein the Tribunal had granted a stay and that the respondent bank, in deliberate violation of the stay order has conducted the e-auction sale on 08.03.2023. It is submitted that even after the e-auction sale was conducted on 08.03.2023, till the disposal of the SA.No.134 of 2023, the respondent institution never informed about the alleged sale either to the petitioner or to Tribunal and have not issued any communication about the e-auction sale conducted on 08.03.2023.

3. It is contended that only after the order dated 25.02.2026 was passed in SA.134 of 2023, the applicant came to know about the illegal e-auction conducted by the respondent and the present SA is filed which is not 90 days of e-auction. Hence, there has occurred a delay of 1167 days and prays to condone the delay of 1167 days in filing the present SA.

4. The respondent bank has filed counter to IA.No.1527/2026, contending that the respondent bank had offered different loan facilities to the customer from time to time based on the policy decisions.

5. The respondent denies all the averments made in the Application and submits that the present SA.468 of 2026 is filed before this Tribunal against the e-auction sale dated 08.03.2023 pursuant to sale notice dated 02.02.2023. The applicant has stated in the limitation clause of the main SA that the bank had not communicated about the said e-auction.

6. The applicant had obtained an interim order on 07.03.2023 where the Tribunal had directed them to make 10% of the outstanding amount on or before 10:30 a.m, which the applicant had intimated to the respondent

only on 11.03.2023 by which time the sale was already held on 08.03.2023. Hence, there is no violation of the stay order.

7. Further, the sale was successfully held on 08.03.2023 which was informed to the applicants in the next proceedings which was held on 12.04.2023. However, there was a typographical error in the proceedings, wherein it was recorded as the sale did not take place. The Hon'ble Tribunal had permitted the respondent bank to remit the 25% amount to the auction purchaser as the applicant had undertaken to regularize the loan account, and that the applicant was well informed of the fact that the sale was held and hence all the allegations are false and baseless.

8. It is submitted that any aggrieved person has to file an application within 45 days under section 17(1) of the SARFAESI Act, from the date on which the measures are taken, and in the instant matter the applicant has filed the SA on 01.07.2026. The applicant was informed about the successful sale which is recorded in the proceedings too. However, the present SA is filed only on 01.07.2026 which is beyond the period of limitation. Hence, the prayer as sought for in the SA is to set aside the e-auction sale dated 08.03.2023 is to be dismissed.

Heard both sides of the Counsels and perused the records of the case

9. The applicant is the borrower who had availed a Home Loan of Rs.89,44,814/- form the respondent institution in the year 2017. There is no dispute with regard to the applicant having availed the credit facility and

the subsequent default in repayment and the classification of the account as NPA on 12.05.2021. The respondent bank had issued a Demand Notice dated 30.06.2021 u/s.13(2) of the SARFAESI Act, followed by a Possession Notice dated 16.02.2022 which was challenged by the applicant in SA.166 of 2022 which came to be allowed by this Tribunal on 29.08.2022 setting aside the Possession Notice.

10. The respondent bank has issued the Sale Notice which the applicant admits and had filed SA.134 of 2023 challenging the Sale Notice dated 02.02.2023 had obtained the interim order.

11. The applicant has, in fact have produced the final order dated 25.02.2026 passed by this Tribunal in SA.134 of 2023 at Page.19 of the SA Book. The applicant has Challenged the Sale Notice dated 02.02.2023 fixing the sale on 08.03.2023 which the Tribunal had adjudicated the matter based on the documents and considering the pleadings and documents produced had dismissed the SA on 25.02.2026.

12. The applicant has now filed the present SA challenging yet again the same sale notice dated 02.02.2023 which has attained finality vide Order dated 25.02.2026. If the applicant is aggrieved by the Order dated 25.02.2026 in SA 134/23, the appropriate legal remedy available is to prefer an appeal u/s.18 of the SARFAESI Act, before the Hon'ble DRAT Chennai.

13. In the instant matter, the applicant had challenged the sale notice dated 02.02.2023 contending that the interim order obtained by him

though was communicated to the bank, the bank has deliberately and arbitrarily have sold the property, to which the counsel for the respondent takes this Tribunal to para 5 of the Order to the applicant had raised contentions with regard to Sec.13(2) Demand Notice and Sec.13(4) Possession Notice.

14. The applicant had also challenged the Possession Notice dated 16.02.2022 in SA.166 of 2022 which came to be allowed by setting aside the Possession Notice. Subsequently, the bank has issued a fresh Possession Notice dated 02.09.2022 which the applicant had denied and the issue was considered in para 5.5, 5.6 and 5.7 of the order. The challenged to sale notice dated 02.02.2023 was also considered in para 5.8, 5.9 and 5.10 of the order, which is seen from pg.24 and 25 of SA Book.

15. The further contention that the applicant had obtained an interim order on 07.03.2023 whereas the respondent bank had sold the property on 08.03.2023 during the interim order is also considered as per the counter of the respondent bank in para 5.14 of the order, clarifying that the bank was intimated about the interim order only on 11.03.2023 which is not countered by the applicant by which time the sale has already held on 08.03.2023.

16. The applicant and the respondent bank were present on 20.06.2023 and the bank was permitted to refund 25% of the bid amount received form the auction purchaser, as the applicant had undertaken to regularize the

loan account before the next date of hearing that is on 21.07.2023 is also adjudicated in para 5.15 and 5.16 of the order.

17. Hence all the contentions with regard to the bank selling the property during the interim order of stay have already been considered and adjudicated by this Tribunal vide order dated 25.02.2026 in SA.134 of 2023 were the very same sale notice dated 02.02.2023 raising same contentions which is already considered and an order is passed which has attained finality.

18. However, the Applicant has filed an IA.No.1527 of 2026 has not come out for the reasons in again challenging the Sale Notice dated 02.02.2023 when there is a delay of 1167 days in filing the present SA.

19. Now, considering the delay application, the Tribunal is posed with the question whether the Tribunal can condone the delay under S.17 of the SARFAESI Act?

For appreciation of the facts S.17(1) is extracted as under: -

S.17(1):

Application against measures to recover secured debts *(1) Any person (including borrower), aggrieved by any of the measures referred to in sub-section (4) of section 13 taken by the secured creditor or his authorized officer under this Chapter, [may make an application along with such fee, as may be prescribed,] to the Debts Recovery Tribunal having jurisdiction in the matter within forty-five days from the date on which such measures had been taken:*

[Provided that different fees may be prescribed for making the application by the borrower and the person other than the borrower.]

[Explanation.- For the removal of doubts, it is hereby declared that the communication of the reasons to the borrower by the secured creditor for not having accepted his representation or objection or the likely action of the secured creditor at the stage of communication of reasons to the borrower shall not entitle the person (including borrower) to make an application to the Debts Recovery Tribunal under this sub-section(1) of section.17.]

20. A reading of the above provision it is palpable that there is no provision made by the Parliament for condonation of delay in approaching the DRT against the measures, no matter whatever be the cause and howsoever justifiable it may sound. Unless power to condone delay is legislatively granted expressly or by inference, the Tribunal cannot condone delay. It is the indication of Parliament that one who wants to have redressal must knock the doors of DRT within 45 days and subsequently those doors should permanently stand closed. In other words, law does not come to the aid of those who are sleepy & late.

21. Thus, it is clear that any person aggrieved by any measures under Section 13[4] is required to approach the Tribunal under S.17 within 45 days from the date of the measure. Evidently, the present SA challenging the Sale notice dated 02.02.2023, fixing the sale on 08.03.2023 is not filed within the period of 45 days and the same is filed with a delay of 1167 days.

22. This view of the Tribunal is confirmed by the judgement of the Hon'ble Supreme Court in the case titled ***Bank of Baroda – Vs.-***

Parasaadilal Tursiram Sheetgrah Pvt. Ltd, reported in 2022 Livelaw (SC) 671, at para 12, observed that a time limit of 45 days for filing an application under Section 17 of SARFAESI Act is provided for quick enforcement of the security is as under:

> "***The reason for providing a time limit of 45 days for filing an application under Section 17 can easily be inferred from the purpose and object of the enactment. In Transcore v. Union of India and Anr. this Court held that the SARFAESI Act is enacted for quick enforcement of the security. It is unfortunate that proceedings where a property that has been brought to sale and third-party rights created under the provisions of the Act, have remained inconclusive even after a decade."***

23. Further the Hon'ble Calcutta High Court in ***Akshat Commercial Pvt Ltd. Vs. Kalpana Chakroborty*** has taken view that S.17 is mandatory and therefore the question of condoning the delay does not arise. If the Parliament intended that DRT should have power to condone delay, it would have enacted a provision like S.5 of Limitation Act to SAFAESI Act. As it consciously chosen not to do it clearly emphasis the purpose of the SARFAESI Act.

24. The Tribunal is of the view that DRT has no power to condone delay in an application under S.17 of the Act, as it is a special law for speedy recovery of money due to bank in enforcing the security available to them is reinforced at para 65 of the judgement of the Hon'ble Supreme Court in ***Celir LLP Vs. Bafna Motors***

[Mumbai][P] Ltd., reported in [2024] 2 SCC 1 at para 65 which is reproduced here under:

> *"The SARFAESI Act is a special law containing an overriding clause in comparison to any other law in force. The SARFAESI Act is a special law of recovery with a paradigm shift that permits expeditions recovery for the banks and the financial institutions without intervention of Courts. If the general law is allowed to govern in the manner as sought to be argued by the borrowers, it will defeat the very object and purpose…."*

25. Therefore, it is obvious that when a special legislation grants aright of action it is subject to certain conditions and create a forum for its implementation, that right becomes exercisable on satisfying such conditions and not otherwise and Limitation period is one such condition.

26. It is a settled legal proposition that law of limitation may harshly affect a particular party, but it must be applied with all its rigour when the statute so prescribes. The Tribunal has no power to extend the period of limitation on equitable grounds and has no power to ignore that provision to relieve what it considers a distress resulting from its operation as per the Judgement of Hon'ble Supreme Court in the matter of ***P.K. Ramachandran vs. State of Kerala,*** *reported in (1997) 7 SCC 556,* the Hon'ble Supreme Court has held thus:-

> *"Law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes and the courts have no power to extend the period of limitation on equitable grounds".*

Hence, the legal maxim "dura lex sed lex" which means "the law is hard but it is the law", stands attracted in such a situation.

27. The question whether the Debt Recovery Tribunal can entertain an application under S.17 of the Act after 45 days of measure referred to in sub section [4] of S.13 is no more res integra.

28. The Hon'ble Division Bench of High Court of Kerala in Writ Appeal No.1797 of 2009 in W.P.(C) No.22192 of 2007 in the case titled **K.PJayan vs. Hong Kong & Shanghai Banking Corporation Ltd and others** decided on 31.08.2015 had categorically held that the power to condone delay in entertaining an application under Section 17 of the SARFAESI Act is not conferred on the Debts Recovery Tribunal. It further held that the Debts Recovery Tribunal cannot consider an application for condonation of delay under Section 5 of the Limitation Act in an application under Section 17 of the SARFAESI Act. The relevant paras is extracted as under:

> *"7. Referring to these provisions the contention urged before us is that since section 24 of the RDB Act makes Limitation Act applicable and as the DRT constituted under the RDB Act is conferred with jurisdiction under section 17, Limitation Act governs applications made in a proceedings under section 17 also. We are unable to accept this contention. Both the RDB Act and the SARFAESI Act are independent enactments, although certain provisions of the RDB Act are made applicable in respect of the proceedings under the SARFAESI Act also. However, that does not mean that every provision of the RDB Act would apply to every proceedings initiated under the SARFAESI Act. In so far as this case is concerned, proceedings were initiated under SARFAESI Act and in view of the provisions contained in section 17 conferring jurisdiction on the DRT constituted under RDB Act application is made by the appellant before the DRT. That does not mean that*

provisions of section 24 of the RDB Act governing the proceedings taken thereunder would get automatically attracted to such proceedings before the DRT. Therefore, the contention raised relying on section 24 in so far as this case is concerned is only to be rejected and we do so. This is further clear from section 36 of the SARFAESI Act, which confines the applicability of the Limitation Act to measures under section 13(4) of the said Act."

29. Further, the Hon'ble High Court of Kerala has also considered the issue in the case titled ***The Authorised Officer, Indian Bank Vs. K.J. George,*** order dated 02.11.2020 has placed reliance on ***K.P. Jayan V. Hong Kong & Shanghai Banking Corporation*** and has held that DRT has no power to condone the delay u/s.17 of the Act.

30. As per Section 17 of the SARFAESI Act, an application against measures to recover secured debts, must be filed before the Debts Recovery Tribunal within forty-five days from the date on which such measure had been taken. It further observed that *"The reason for providing a time limit of 45 days for filing an application under Section held that the SARFAESI Act is enacted for quick enforcement of the security, which can easily be inferred from the purpose and object of the enactment.* In Transcore v. Union of India and Anr, this Court held that the SARFAESI Act is enacted for quick enforcement of the security.

31. Additionally in the instant matter the applicants have failed to make a case to condone each day's delay by producing the medical records in support of their case without any justifiable reasons. However, the delay cannot be condoned on equitable grounds and in support of its view, the reliance is placed on the Judgement of Hon'ble Supreme Court

in the case titled **Lingeswaran Vs. Thirunagalingam** where it is observed that an application for condonation of delay has to be dismissed, if it is found that the delay is not properly explained and that the period of limitation cannot be extended on equitable ground. Otherwise, it would be giving a premium to a person who fails to explain the delay and who is guilty of delay and laches. The court also observed *"The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same.*

32. The Hon'ble Apex Court also noted the following observations made in **Maniben Devraj Shah v. Municipal Corporation of Brihan Mumbai**, (2012) 5 SCC 157, while dismissing the SLP:

> *"The law of limitation is founded on public policy. The limitation Act, 1963 has not been enacted with the object of destroying the rights of the parties but to ensure that they approach the court for vindication of their rights without unreasonable delay. The idea underlying the concept of limitation is that every remedy should remain alive only till the expiry of the period fixed by the legislature. At the same time, the courts are empowered to condone the delay provided that sufficient cause is shown by the applicant for not availing the remedy within the prescribed period of limitation."*

33. The Tribunal also places reliance on the judgement of the ***Hon'ble High Court of Karnataka at Bengaluru*** in the case of ***Kailasam P –***

Vs.- The Karnataka Bank Limited, Rep. by its Authorised Officer

in ***Writ Petition No.11273 of 2024 (GM-DRT)*** has held that:

> *"law of Limitation fixes upon a particular period within which a party is entitled to institute legal proceedings and if he fails to do so, ordinarily the cause of action dies subject to just all exceptions. Law of Limitation is statute of repose. True it is that any welfare State like ours is bound in good faith to furnish its citizens all needful legal remedy however it is not bound to keep its Courts and Tribunals open ad infinitum. If an aggrieved person neglects or refuses to apply for redress within the prescribed period of limitation, his claim is lost in the lapse of time."*

34. In other words, the statutory time of 45 days provided under Section 17(1) of the SARFEASI Act is mandatory and no discretion has been conferred upon the DRT to extend such period. It is pertinent to note that the Securitization Act is for quick enforcement of the security interest created favouring the respondent bank for the recovery of the amount due.

35. In fact the provisions of the Act and Rules framed thereunder cast an obligation upon the secured creditor for strict compliance of the SARFAESI Act and the Rules made thereunder. Each measure is to be followed meticulously giving a time frame to proceed further. Firstly, the measures can be initiated after the account is classified as NPA, then issuance of statutory notice ie., demand notice demanding outstanding due to be repaid within 60 days.

36. The secured creditor must wait for completion of 60 days and then proceeds further under S.13[4] possession notice which is challengeable within a period of 45 days. Similarly, the Order of CJM or DM is also to be challenged within 45 days. In other words, ample opportunity is granted by the Act for an aggrieved person to invoke his right of appeal under S.17 of the Act within a period of 45 days from the date of measure. The provisions of the Act and the Rules made thereunder puts the borrower/guarantor/mortgagor notices in advance before taking measures under Section 13(4) of the Act read with Rule 8 and 9, giving the aggrieved person ample of time and opportunities to assail measure within a period of 45 days.

37. Thus, the provisions of the Act and Rules ensures that the borrowers have advance notice of the proposed measure to be taken by the secured creditor. The judgement of the Hon'ble Supreme Court in ***Bank of Baroda – Vs.- Parasaadilal Tursiram Sheetgrah Pvt. Ltd*** has given a quietus to the conundrum which existed until that time on the power of the DRT to condone the delay in filing an SA after the statutory period of 45 days provided under Section 17(1) of the SARFEASI Act.

38. The Tribunal also places reliance on Order dated 27.06.2023 passed Antony Samy Vs. State Bank Of India in MA [SA]32/2021 by the Hon'ble DRAT Chennai has held that the statutory period of 45 days in challenging the measures cannot be condoned. The further reliance of the judgment

dated 13.06.2025 passed by Hon'ble DRAT Chennai Smt M Subathra Vs. State Bank Of India in MA.[SA] 31/2022,wherein it is held that if an application under S.5 of Limitation Act is entertained in an application filed under S17 of SARFAESI Act,2002, it would derail the very purpose of the SAFAESI Act.

39. For the foregoing reasons, the present IA.No.1527 of 2026 stands dismissed, as the issue raised in the present SA is already adjudicated by this Tribunal in SA.134.2023. Consequently, SA.468 of 2026 is also stands dismissed. Resultantly the present SA dismissed. Interim Order granted, if any stands vacated, pending IAs are disposed of in terms of this final order. No order as to cost.

Sd/-
(S.V. GOWRAMMA)
PRESIDING OFFICER,
DRT-III, CHENNAI

(*Dictated to Steno (Suriya), transcribed by him, corrected, signed and pronounced by me on this the 12th day of October, 2026)*

ANNEXURES

LIST OF DOCUMENTS PRODUCED BY THE APPLICANT

Sl. No.	Description of Documents	Documents No.
1.	Order passed in SA.No.166 of 2022 dated 29.08.2022.	A-1
2.	Sale Notice issued to the applicant dated 02.02.2023.	A-2
3.	Statement of account.	A-3
4.	Order passed in SA.No.134 of 2023 dated 25.02.2026.	A-4
5.	Interim order passed in IA.No.338 of 2023 dated 07.03.2023.	A-5
6.	Payment made by the applicant (first 10%) dated 08.03.2023.	A-6

7.	Whatsapp communication between the Applicant and defendant dated 08.03.2023.	A-7
8.	Counter filed by the respondent in SA.No.134 of 2023 dated 11.04.2023.	A-8
9.	Payment made by the applicant (Second 10%) dated 12.04.2023.	A-9
10.	Proceedings in SA.No.134 of 2023 dated 12.04.2023.	A-10
11.	Medical records of the applicant dated 21.09.2024 to 12.03.2026.	A-11
12.	Photographs dated 30.06.2026.	A-12

SCHEDULE OF PROPERTY

All the piece and parcel of property having an extent of Plot No.11, 12, 13 Survey No.266/6 situated in Thiruvallur District, Ayapakkam village in Dharma Nagar Thiruverkadu Main Road, with following boundaries:

North: Thiruverkadu Main Road

South: 20 Feet Road

East: Mahalakshmi property plot & house

West: 20 Feet Road

Sd/-
(S.V. GOWRAMMA)
PRESIDING OFFICER,
DRT-III, CHENNAI