



W.P.Nos.18164 & 13297 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos.18164 & 13297 of 2024

&

W.M.P.Nos.19952, 14444 & 16562 of 2024; 34515 of 2025

K.Deivendran,
S/o. Karuppiyah,
Prop. M.S. Sabarimalai Om
Dharmasatha Jewellers,
11/9/57A3, Dhamasastha Nagar,
Usilampatty -625 532.

Petitioner(s)

Vs

1. The Registrar,
Debts Recovery Appellate Tribunal
at Chennai,
6th Floor, Additional Office Building
Shastri Bhavan, Haddows Road,
Nungambakkam, Chennai -600 006.

2. The Authorized Officer,
Tamilnad Mercantile Bank Ltd,
Usilampatty Branch,
14/1/148 A-8, Madurai Main Road,
Usilampatty, Madurai -625 532.

Respondent(s)



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Prayer : Petitions filed under Article 226 of the Constitution of India seeking

(i) a writ of Certiorari to call for the records pertaining to the impugned order dated 20.05.2024 in AIR No.312 of 2024 on the file of the 1st respondent herein, quash the same as untenable in law and having been passed when the matter as to the pre-deposit is subjudice before this Honble Court in W.P.No.13297 of 2024;

(ii) a writ of Certiorari to call for the records pertaining to the impugned order dated 03.05.2024 passed in I.A.No.220 of 2024 in A.I.R.No.312 of 2024 on the file of the 1st respondent herein, quash the same and consequently direct the DRAT to number the appeal in AIR No.312 of 2024 and consider the same in accordance with law within a time frame.

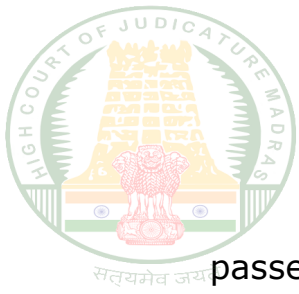
For Petitioner : Mr.E.Thamizharasan

For Respondents : Mr.V.Chandrasekaran for R2
R1 - Tribunal

ORDER

(Order of the Court was made by
G.Arul Murugan,J)

W.P.No.13297 of 2024 is filed by the borrower challenging the order of the Debt Recovery Appellate Tribunal dated 03.05.2024



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passed in I.A.No.220 of 2024 in A.I.R.No.312 of 2024, whereby, the Debt Recovery Appellate Tribunal has directed the borrower/petitioner to pay 25% of the amount mentioned in the sale notice towards pre-deposit for entertaining the appeal filed under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. W.P.No.18164 of 2024 is also filed by the borrower challenging the order dated 20.05.2025 passed by the Debt Recovery Appellate Tribunal dismissing the appeal since the conditional order passed in the waiver application has not been complied with.

3. Learned counsel appearing for petitioner submitted that since the Debts Recovery Tribunal has passed an interim order directing petitioner/borrower to make the entire payment in ten instalments, petitioner filed an appeal and since petitioner had made payment of two instalments, he is entitled to prosecute the appeal without making any further deposit.



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4. Learned counsel appearing for the bank submitted that already sale has been conducted and when the sale notice was put to challenge, in view of the voluntary undertaking made by petitioner that he was ready to pay any amount as directed by the Tribunal, the conditional order came to be passed for depositing the entire dues in ten instalments and therefore, the appeal itself is not maintainable.

5. Heard learned counsel for the parties and perused the records.

6. It is not in dispute that the properties of petitioner/borrower was brought to sale by issuance of sale notice. Petitioner had challenged the sale before the Debts Recovery Tribunal in S.A.No.84 of 2024. Considering the submissions made by learned counsel for petitioner that petitioner was ready and willing to abide by any conditional order to stay the sale proceedings, the Debts Recovery Tribunal, while taking note of the fact that since the sale

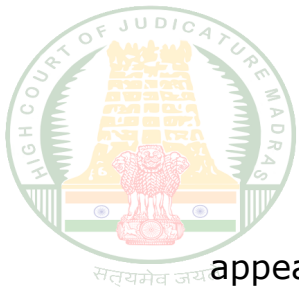


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was conducted in 2024, passed a conditional order directing petitioner to make the entire dues in ten instalments and also directing respondent bank to keep the sale confirmation in abeyance.

7. Assailing the said order, petitioner had preferred an appeal before the Debt Recovery Appellate Tribunal under Section 18 of the Act. As per Section 18 of the Act, if an appeal is preferred as against an order passed under Section 17 of the Act, the borrower is mandated to make payment of 50% of the amount towards pre-deposit. However, as per third proviso to Section 18 of the Act, the Debt Recovery Appellate Tribunal can consider the waiver application and reduce the pre-deposit to an extent of 25%.

8. In the instant case, the Debt Recovery Appellate Tribunal, considering the order passed by Debts Recovery Tribunal against which appeal is filed, passed a conditional order in the waiver application directing petitioner to pay a sum of 25% of the amount indicated in the sale notice as pre-deposit for entertaining the



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appeal under Section 18 of the Act. Petitioner has, admittedly, not complied with the said conditional order resulting in the dismissal of the appeal.

9. The submission of learned counsel for petitioner that since the Debts Recovery Tribunal directed to pay the entire amount and petitioner had paid two instalments, petitioner is not required to pay any pre-deposit in the appeal, cannot be accepted for the reason that unless the amount, as directed under the proviso to Section 18 of the Act, is deposited, the appeal cannot be entertained.

10. We see no merits in the writ petitions or any error in the conditional order passed by the Debt Recovery Appellate Tribunal. Accordingly, the writ petitions are dismissed. However, learned counsel for petitioner submits that now petitioner will make an application before the Debt Recovery Appellate Tribunal, along with amount stipulated in the conditional in the order towards pre-deposit. If any such application is made within two weeks from today by enclosing demand draft for



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the amount as stipulated in the conditional order of the Debt Recovery Appellate Tribunal, the Debt Recovery Appellate Tribunal shall consider the application on its own merits. There shall be no order as to costs. Consequently, the interim applications are also dismissed.

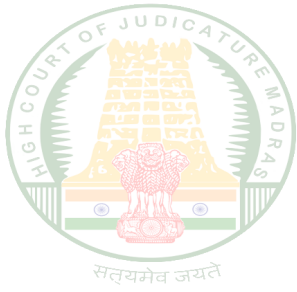
(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
27.07.2026

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Registrar,
Debts Recovery Appellate Tribunal
at Chennai,
6th Floor, Additional Office Building
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Nungambakkam, Chennai -600 006.
2. The Authorized Officer,
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Case Citation: (2026) ibclaw.in 4616 HC



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(kpl)

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