



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P. V. BALAKRISHNAN

FRIDAY, THE 7TH DAY OF AUGUST 2026 / 16TH SRAVANA, 1948

OP (DRT) NO.196 OF 2026

AGAINST THE ORDER DATED 27.05.2026 IN IA 1754/2025 IN
AIR NO.2155 OF 2025 OF DEBT RECOVERY APPELLATE
TRIBUNAL, CHENNAI

SA NO.77 OF 2023 OF DEBT RECOVERY TRIBUNAL-2, ERNAKULAM

PETITIONERS/APPELLANTS:

- 1 M/S.SARK SPICE PRODUCE PVT LTD,
TAK INDUSTRIAL COMPLEX, EARA NORTH,
NEELAMPEROOR,ALAPPUZHA, KERALA,
REP BY MANAGING DIRECTOR, PIN - 686534
- 2 ABRAHAM T KURUVILLA,
AGED 73 YEARS
ALIAS T A KURUVILA, MANAGING DIRECTOR,
M/S SARK SPICE PRODUCE PVT LTD,
THURUTHITHARA HOUSE, EARA NORTH,
NEELAMPEROOR, ALAPPUZHA, KERALA,
PIN - 686534
- 3 M/S.KALPAKA PROCESSING COMPANY,
(REP. BY SOLE PROPRIETOR T A KURUVILLA) ,
THURUTHITHARA HOUSE, EARA NORTH,
NEELAMPEROOR, ALAPPUZHA,KERALA, PIN - 686534
- 4 M/S.KSV EXPORTERS PVT LTD,
TAK INDUSTRIAL COMPLEX, EARA NORTH,
NEELAMPEROOR, ALAPPUZHA, KERALA,
REP BY MANAGING DIRECTOR, PIN - 686534

BY ADV SHRI.PRAVEEN K. JOY



2026:KER:61068

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RESPONDENTS/RESPONDENTS:

- 1 THE CHIEF MANAGER/AUTHORIZED OFFICER,
SOUTH INDIAN BANK LTD, REGIONAL OFFICE,
REGENCY SQUARE, K K ROAD, COLLECTORATE P.O.
KOTTAYAM, KERALA, PIN - 686002
- 2 BRANCH MANAGER,
SOUTH INDIAN BANK LTD
WARD NO II/134C, KUNNUTHARAYIL ARCADE,
M C ROAD, CHINGAVANAM PO, KOTTAYAM,
KERALA, PIN - 686531

BY ADVS.
SHRI.SUNIL SHANKER
SMT.ASHLIN SAJU

THIS OP (DEBT RECOVERY TRIBUNAL) HAVING COME UP
FOR ADMISSION ON 07.08.2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



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JUDGMENT

Dated this the 7th day of August, 2026

This OP (DRT) is filed by the petitioners challenging Ext.P14 order passed by the Debts Recovery Appellate Tribunal, Chennai (hereinafter referred to as 'the DRAT' for short) in I.A.No.1754/2025 (waiver) in AIR No.2155/2025, directing the petitioners to make a pre-deposit of Rs.2,42,58,294/-, in two equal installments.

2. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents.

3. The learned counsel for the petitioners submitted that after issuance of the sale notice, a substantial amount has been paid by the petitioners and the same has not been taken note of, while passing Ext.P14 order. He further submitted that, it is only



because of the financial constraints faced by the petitioners, they could not comply with the interim direction passed by this Court. Hence, he prayed that at least a direction may be issued to the Debts Recovery Tribunal, to dispose of the SA filed by the petitioners, as expeditiously as possible.

4. On the other hand, the learned counsel for the respondents vehemently opposed the submissions made by the learned counsel for the petitioners and contended that this Court must not grant any further indulgence to the petitioners, who have not complied with the orders passed by the DRAT and also this Court, after agreeing to pay the amount. He further submitted that the attempt of the petitioners is nothing, but to protract the proceedings and the history would show that they have taken recourse to 31 litigations, before filing this OP (DRT).



5. On an anxious consideration of the rival submissions and the materials on record, I find considerable force in the submissions made by the learned counsel for the respondents. It is to be seen that the subject matter of challenge which reached the DRAT is Ext.P19 sale notice issued by the respondents. In Ext.P19, the total amount stated to be due from the petitioners is ₹12,48,24,033.84 with future interest, costs and expenses. As per the possession notice issued by the respondents, the amount demanded is ₹10,54,84,262/-, as on 31.08.2022. As per the dictum laid down by the Hon'ble Apex Court in ***Sidha Neelkanth Paper Industries Private Limited (M/s.) v. Prudent ARC Limited*** [2023 KHC OnLine 6009], the debt due under Section 18 would include the liability plus interest and the borrower is not entitled to adjust/appropriate the amount realised by selling



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secured properties and deposited by auction purchaser when auction sale is under challenge. It was also held that whatever amount is mentioned in the notice under Section 13(2), in case steps taken under Section 13(2) / 13(4) against the secured assets are under challenge will be the debt due, and in case the challenge to sale of the secured assets, the amount mentioned in the sale certificate will have to be considered. It is to be taken note that the petitioners have not produced the copy of the Section 13(2) notice issued to them. A perusal of Ext.P14 order would show that the Bank has realised a substantial amount by selling the properties and that even as on the date of considering Ext.P14, the amount due from the petitioners, without considering the sale price is ₹8,08,60,978.25. It is the 30% of the said amount which has been ordered by the DRAT as pre-



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deposit to be made by the petitioners. In such circumstances, I do not find any fault in Ext.P14 order passed by the DRAT.

6. At this juncture, I will also take note of the fact that when this OP(DRT) came up for consideration on 15.06.2026, the learned counsel for the petitioners had submitted that they are ready to deposit the first installment as ordered by the DRAT, in Ext.P14 order and that this Court has permitted the petitioners to deposit the amount on or before 20.06.2026. The proceedings further show that the petitioners have thereafter filed IA No.3/2026, seeking further time to comply with the condition and in the affidavit, the petitioners have categorically stated that they are ready to deposit the amount as ordered by this Court and required some more time. Even though, this Court on 22.06.2026 allowed I.A.No.3/2026 and granted



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extension of time till 30.06.2026, the petitioners again did not comply with the order.

Ergo, considering all the afore facts and circumstance, I am of the view that the petitioners are not entitled to the reliefs as sought for in this OP(DRT) and hence, this OP (DRT) is dismissed.

Sd/-

**P. V. BALAKRISHNAN
JUDGE**

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APPENDIX OF OP (DRT) NO.196 OF 2026

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE SA NO.77/2023 ON THE FILES OF DEBT RECOVERY TRIBUNAL-II ERNAKULAM DATED WITHOUT ANNEXURES 06.02.2023
Exhibit P2	TRUE COPY OF THE COMMON ORDER DATED 12.08.2025 IN IA 2906/2025 & IA NO.2907/2025 IN SA 77/2023 OF DRT II ERNAKULAM
Exhibit P3	TRUE COPY OF THE APPEAL WITH NO.AIR 2155 /2025 DATED 18.10.2025
Exhibit P4	TRUE COPY OF THE DELAY PETITION IA NO.1753/2025 (DIARY NO.) IN AIR 2155 /2025 DATED 18.10.2025 BEFORE DEBT RECOVERY APPELLATE TRIBUNAL AT CHENNAI
Exhibit P5	TRUE COPY OF THE WAIVER PETITION IA NO.1754/2025 IN AIR 2155 /2025 DATED 18.10.2025 BEFORE DEBT RECOVERY APPELLATE TRIBUNAL AT CHENNAI
Exhibit P6	TRUE COPY OF THE STAY PETITION DAIRY NO.2158/2025 IN AIR 2155 /2025 DATED 18.10.2025 BEFORE DEBT RECOVERY APPELLATE TRIBUNAL AT CHENNAI
Exhibit P7	TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE BANK DATED 10.03.2026
Exhibit P8	TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT BANK DATED 28.01.2026
Exhibit P9	TRUE COPY OF THE BUILDING TAX DEMAND NOTICE ISSUED BY THE NEELAMPEROOR GRAMA PANCHAYATH OF BUILDING NUMBERS 74,76,76/A,84,84/B,76/B,77,75 DATED 16.12.2025
Exhibit P10	TRUE COPY OF THE DEMAND NOTICE DATED 04.12.2025 ISSUED BY KSEB LTD.



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- Exhibit P11 TRUE COPY OF THE LETTER ISSUED BY BANK DATED 23.12.2025
- Exhibit P12 TRUE COPY OF THE LETTER ISSUED BY BANK DATED 04.02.2026
- Exhibit P13 TRUE COPY OF THE LETTER ISSUED BY THE PETITIONER TO THE BANK DATED 11.02.2026
- Exhibit P14 TRUE COPY OF THE ORDER OF DRAT, CHENNAI DATED 27.05.2026 IN IA NO.1754/2025(WAIVER) IN AIR 2155 /2025
- Exhibit P15 TRUE COPY OF THE ORDER OF GLENNY CJ AND ANOTHER VS. THE AUTHORISED OFFICER, CANARA BANK AND ANOTHER 2025 LIVELAW (KER) 729
- Exhibit P16 TRUE COPY OF THE JUDGMENT IN THE AUTHORISED OFFICER, CANARA BANK VS GLENNY CJ AND ANOTHER (2026 KHC ONLINE 1872) WA NO.3111/2025
- Exhibit P17 TRUE COPY OF THE CERTIFIED COPY ORDER OF DRAT, CHENNAI DATED 27.05.2026 IN IA NO.1754/2025(WAIVER) IN AIR 2155/2025 ISSUED ON 10.06.2026
- Exhibit P18 TRUE COPY OF THE JUDGMENT DATED 18.05.2026 IN OP DRT 66/2026 OF THIS HONBLE COURT
- Exhibit P19 TRUE COPY OF THE SALE NOTICE ISSUED BY THE RESPONDENT BANK AS DIRECTED BY THIS HON'BLE COURT