

Chandramohan P. S. Vs Union Bank Of India

Court: High Court Of Kerala

Date of Decision: Jan. 10, 2025

Acts Referred: Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
â€” Section 17

Hon'ble Judges: Gopinath P., J

Bench: Single Bench

Advocate: Denu Joseph, Muhiseena.V.Z, Muralikrishnan

Final Decision: Disposed Of

Judgement

Gopinath P., J

1. This Original Petition is filed challenging Ext.P3 order of the Debt Recovery Tribunal on IA No.3178/2024 in SA No.634/2024 filed in terms of

Section 17 of the SARFAESI Act. A reading of Ext.P3 order will show that the Tribunal has granted a stay of further proceedings subject to payment

of Rs.12,13,008/- on or before 04.10.2024 and a further sum of Rs.12,13,008/- on or before 04.11.2024. It is not disputed that the petitioner has

deposited only 1,00,000/- after the order passed by the Tribunal.

2. The learned counsel appearing for the petitioner submits that the secured asset which is proposed to be taken possession of is a running unit and it

will be catastrophic if the unit is taken possession of for failure to comply with the conditions imposed in Ext.P3 order. He submits that the petitioner is

ready and willing to pay a sum of Rs.10,00,000/- by 5 pm on 13.01.2025 and a further sum of Rs.15,00,000/- by 5 pm on 31.01.2025. It is submitted

that the same may be treated as sufficient compliance of the condition imposed by the Tribunal by granting stay in Ext.P3 order.

3. The learned counsel appearing for the respondent Bank submits that the contention now taken before this Court that the secured asset is a running

unit is not correct and the petitioner had undertaken to surrender physical possession of the unit. A copy of the undertaking given by the wife of the

petitioner is also placed for my consideration.

4. Having heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent bank, I am of the view that the

offer now made by the petitioner to deposit a sum of Rs.10,00,000/- before 5 pm on 13.01.2025 and a further sum of Rs.15,00,000/- before 5 pm on

31.01.2025 is reasonable and should be deemed to be sufficient compliance of the conditions imposed by the Tribunal while granting stay in Ext.P3

order. Accordingly, this Original Petition will stand disposed of with a direction that steps for taking physical possession of the secured asset shall

stand adjourned to enable the petitioner to pay a sum of Rs.10,00,000/- by 5 pm on 13.01.2025 and a further sum of Rs.15,00,000/- by 5 pm on

31.01.2025. If the petitioner fails to deposit any of the amounts within the time specified above, it is open to the respondent bank to continue with the

proceedings initiated against the petitioner. If the petitioner complies with the aforesaid directions, the same shall be deemed to be sufficient

compliance with the conditions imposed in Ext.P3 order.

This Original Petition is accordingly disposed of.