

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

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THE HON'BLE SRI JUSTICE V.SRINIVAS

Writ Petition No.8273 of 2023

ORDER: *(per Sri Justice D.V.S.S.Somayajulu)*

Heard learned Senior Counsel appearing for the petitioner.

2. In view of the essential grievance as could be seen from the Writ Petition, that is moved as Lunch Motion, is that the orders dated 15.03.2023, passed by the 4th respondent herein, were contrary to the law, arbitrary and in violation of principles of natural justice etc.

3. The impugned order is in the opinion of this Court is a reasoned order. All the parties had an opportunity to participate and make their respective submissions. Thereafter, the order was passed. Admittedly, there is a provision to challenge the said order before the Debt Recovery Appellate Tribunal.

4. Learned Senior Counsel further attempted to convince the Court as the initial classification of NPA itself wrong, the Debt Recovery Tribunal committed error in passing the impugned order. Later he also referred to the fact that simultaneously two notices were issued on 14.06.2022 and 16.06.2022. He also points out that the amount demanded in both these notices was contradictory. In

the opinion of this Court, these are all matters which should be brought to the notice of the Debt Recovery Appellate Tribunal. An effective and alternative remedy is provided under the statute. None of the grounds urged are enough to this Court to overlook the self-imposed restriction and to entertain the Writ Petition.

5. On 17.04.2023, in the case of ***M/S.South Indian Bank LTD v. Naveen Mathew Philip***¹, the Bench of the Hon'ble Supreme Court clearly cautioned the High Courts against entertaining petitions under Article 226 of the Constitution of India. The Hon'ble Supreme Court held that *it is a matter of serious concern that despite of repeated pronouncement of this Court, the High Courts continue to ignore the availability of statutory remedies under the Acts and exercise jurisdiction under Article 226 for passing orders, which have serious adverse impact on the banks and other financial institutions to recover their dues.*

6. In view of the clear pronouncement of the law, this Court is of the firm opinion that the Writ Petition is misconceived. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Nothing is pronounced on the merits of the matter.

¹ 2023 SCC Online SC 445

As a sequel, Miscellaneous Applications, if any, pending shall also stand dismissed.

JUSTICE D.V.S.S.SOMAYAJULU

JUSTICE V.SRINIVAS

Date: 20.04.2023
Krs

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Dated: 20.04.2023

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