TSA No.545/2023 10.08.2023

(Mr. R. Hemnath, S/o. Ravichandran, Plot No. 27, 51, Shantha Promoters Apartments, Prithvi Nagar, Seneerkuppam, Chennai – 600 056. – Vs. – The Authorised Officer, Housing Development Finance Corporation Limited, Second Floor, ITC Centre, 760, Anna Salai, Chennai – 600 002.)

This case is taken up on mentioning made by Ld. Counsel for applicant today.This SA is filed challenging the Possession Notice dated 09.06.2023 issued by respondent institution for recovery of a sum of Rs.43,46,879/- along with S.I.A Nos.987/23 and 988/23 for urgent hearing and for stay respectively.

Perused records. S.I.A No.987/23 is allowed and S.I.A No.988/23 is taken up for hearing.

It is the case of applicant that he, as co-borrower, along with his aunt, as principal borrower, had availed credit facility for a sum of Rs.47,01,613/- from respondent, which is repayable in 120EMIs of Rs.62,133/- each, by mortgaging the schedule mentioned property. It is submitted that applicant wasinitially regular in repaying his installments, however due to covid -19 pandemic, there was a sudden downfall in his business and hence applicant could not remit the interest portion alone, which resulted in classification of their loan account as NPA. It is the case of applicant that the alleged demand and possession notices dated 23.12.2022 & 09.06.2023 respectively, were not served on all the parties concerned. It is also the case of applicant that the interest charged is exorbitant and respondent bank has capitalized the penal interest, in violation of RBI guidelines. It is the further case of applicant that he is making every attempt to repay their loan dues and redeem the schedule mentioned property.

Memo vide SR No.9622/23 dated 26.07.2023 is filed on behalf of applicant submitting therein thatapplicant has already deposited 10% of the outstanding amount i.e., Rs.4 Lakhs on 25.07.2023 (copy of proof of payment is enclosed) and are ready and willing to deposit another 10% of the outstanding amount within 4 weeks thereafter and prayed for interim stay from this Tribunal.

In the circumstances, as applicant had already deposited 10% of the outstanding amount to the credit of borrower's loan account, there shall be an order of status quo as on the date and time of compliance. Applicant is also directed to deposit another 10% within 4 weeks thereafter and on compliance of second part of conditional order, there shall be an order of interim stay of all further proceedings under SARFAESI. Non-compliance of any of the above conditions would entitle respondent to proceed further in accordance to law**.**

Issue notice to respondent institution. Private notice and notice by E-mail is also permitted. Call on 05.09.2023 for reporting compliance or otherwise and for filing AOS by applicant.

PO