

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

Friday, the 10th day of October 2025 / 18th Aswina, 1947
WP(C) NO. 37508 OF 2025

PETITIONER:

1. M/S. JIS INTERNATIONAL EXPORTS PVT. LTD. ,28/60,FIRST FLOOR, G G-107, PANAMPILLY NAGAR, ERNAKULAM , REP. BY ITS DIRECTOR, DOMINIC SEBASTIAN, PIN - 682036
2. DOMINIC SEBASTIAN, AGED 66 YEARS S/O.MATHEW SEBASTIAN, 15E1RDS AVENUE ONE, PANAMPILLY NAGAR, ERNAKULAM, PIN - 682036
3. MRS. GEENA DOMINIC, AGED 60 YEARS W/O. DOMINIC SEBASTIAN, 15E1-RDS AVENUE ONE, PANAMPILLY NAGAR, ERNAKULAM, PIN - 682036
4. M/S ALLIANCE MARITIME PVT. LTD,CINU 63090KL 1999PTC012787,28/60 , A-1, 1ST FLOOR G-107, PANAMPILLY NAGAR, ERNAKULAM, REPRESENTED BY ITS DIRECTOR MR. DOMINIC SEBASTIAN, PIN - 682036

RESPONDENT:

1. THE UNION OF INDIA,REPRESENTED BY ITS SECRETARY MINISTRY OF FINANCE(DEPARTMENT OF ECONOMICS AFFAIRS), NEW DELHI, PIN - 110001
2. JUSTICE G CHANDRASEKHARAN(RETD),CHAIRMAN, THE DEBTS RECOVERY APPELLATE TRIBUNAL CHENNAI 7TH FLOOR, ADDITIONAL OFFICE BUILDING, SHASTRI BHAWAN, HADDOWS ROAD, CHENNAI, PIN - 600006
3. THE DEBTS RECOVERY APPELLATE TRIBUNAL,CHENNAI 7TH FLOOR, ADDITIONAL OFFICE BUILDING,SHASTRI BHAWAN, HADDOWS ROAD, CHENNAI, PIN - 600006
4. SHRI SU WILLIAHMDISTRICT JUDGE(RETD), PRESIDING OFFICER THE DEBT RECOVERY TRIBUNAL-1, ERNAKULAM, 5TH FLOOR,KSHB BUILDING PANAMPILLY NAGAR,ERNAKULAM , PIN - 682036
5. THE DEBT RECOVERY TRIBUNAL-1,ERNAKULAM, 5TH FLOOR,KSHB BUILDING PANAMPILLY NAGAR,ERNAKULAM,REPRESENTED BY ITS REGISTRAR, PIN - 682036
6. THE STATE OF KERALA,REPRESENTED BY ITS SECRETARY,DEPARTMENT OF INDUSTRY,GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM, PIN - 695001
7. THE GENERAL MANAGER, THE DISTRICT INDUSTRIES CENTRE, MUMTAZ BUILDING, NEAR GOVERNMENT GUEST HOUSE,KALAPPURA, ALAPPUZHA, KERALA, PIN - 688007
8. INDIAN OVERSEAS BANK,CENTRAL OFFICE, 6 TH FLOOR,ANNEX BUILDING, 763, ANNA SALAI, CHENNAI, TAMIL NADU, REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR, PIN - 600002
9. INDIAN OVERSEAS BANKERNAKULAM MAIN BRANCH, M.G ROAD,ERNAKULAM REP.BY AUTHORISED OFFICER , PIN - 682015

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to may be graciously pleased to restrain the 8th and 9th respondents from taking acting further under the sarfaesi act in respect of the physical possession measures culminated as per exhibit p9

commission report and the exhibit p10 sale notice and stay the sale and incidental proceedings in respect of the properties scheduled in the sale notice dated 25.8.2025 scheduling the sale of the properties on 10.10.2025 in the interest of justice.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of NISHA GEORGE, GEORGE POONTHOTTAM (SR.), KAVYA VARMA M. M. Advocates for the petitioners the court passed the following:



ORDER

Smt. Chandhni G Nair, the learned Counsel appears for the 1st respondent. Learned Government Pleader appears for respondents 6 and 7. Sri. Sunil Shanker, learned Standing Counsel appears for respondents 8 and 9. Notice to respondents 2 to 5 is dispensed with for the time being. There will be a direction to the respondents to file a statement. Any measures taken by the respondents pending the writ petition will be subject to the result of the writ petition. Post on 03.11.2025.

Sd/- **MOHAMMED NIAS C.P. JUDGE**



APPENDIX OF WP(C) 37508/2025

Exhibit P1	THE TRUE COPY OF THE JUDGMENT DATED 24.5.2023 IN WP(C) NO. 31891/2022
Exhibit P2	THE TRUE COPY OF THE ORDER DATED 07.7.2022 PASSED BY THE 5TH RESPONDENT IN IA 868/2022
Exhibit P3	THE TRUE COPY OF THE JUDGMENT DATED 19.4.2024 IN OPDRT 351/2024
Exhibit P4	THE TRUE COPY OF THE JUDGMENT DATED 2.1.2025 IN SLP© 10681 /2024
Exhibit P5	THE TRUE COPY OF THE AMENDED SA 224/2021
Exhibit P6	THE TRUE COPY OF THE EXTRACT OF E-DRT PROCEEDING PERTAINING TO SA 224/2021
Exhibit P7	THE TRUE COPY OF THE FINAL ORDER DATED 13.3.2025 IN SA 224/2021
Exhibit P8	THE TRUE COPY OF THE JUDGMENT DATED 2.7.2025 IN OP(DRT)
Exhibit P9	THE TRUE COPY OF THE REPORT OF THE ADVOCATE COMMISSIONER DATED 11.7.2025
Exhibit P10	THE TRUE COPY OF THE SALE NOTICE DATED 25.8.2025 ISSUED BY THE BANK
Exhibit P11	THE TRUE COPY OF THE ORDER DATED 24/10/2017 IN SLP 15804/2017
Exhibit P12	THE TRUE COPY OF THE THE TRIBUNALS REFORMS (RATIONALISATION & CONDITIONS OF SERVICE) ORDINANCE, 2021
Exhibit P13	THE TRUE COPY OF THE TRIBUNAL REFORMS ACT 2021
Exhibit P14	THE NOTIFICATION ISSUED BY THE APPOINTMENTS COMMITTEE OF THE CABINET (ACC), THE FOURTH RESPONDENT WAS APPOINTED AS PRESIDING OFFICER OF DRT-I ERNAKULAM FOR A TERM OF FOUR YEARS FROM 16.03.2022 TO 15.03.2026
Exhibit P15	THE TRUE COPY OF THE INCUMBENCY POSITION OF THE PRESIDING OFFICER /CHAIRPERSON OF THE DEBT RECOVERY APPELLATE TRIBUNAL DOWNLOADED FROM THE SITE OF THE MINISTRY OF FINANCE