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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 30.09.2026**# **CNR No. DLHC010472412026**+ **W.P.(C) 14497/2026, CM APPL. 67960/2026****JUJHAR SINGH RISSAM**

.....Petitioner

Through: Mr. Jagjit Singh Chhabra, Mr.
Satish Kumar and Mr. Jasraj
Singh Chhabra, Advocates.

versus

ORIENTAL BANK OF COMMERCE (PNB) Respondent

Through: Mr. Vipin Jai, Adv.

CORAM:**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD****HON'BLE MS. JUSTICE RENU BHATNAGAR****JUDGMENT (ORAL)****CM APPL. 67961/2026 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Accordingly, the present application stands disposed of.

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3. The present petition has been filed under Articles 226 and 227 of the Constitution of India seeking issuance of a Writ of Certiorari or any other appropriate writ, order or direction quashing and setting aside the Order dated 31.08.2026 passed by the learned Debts Recovery Appellate Tribunal, Delhi ("DRAT") in Appeal No. 304/2026, whereby the learned DRAT has declined to condone the delay in filing the appeal and, consequently, has dismissed the appeal

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filed by the Petitioner.

4. The facts necessary for adjudication of the present petition, in brief, are set out hereinbelow:

- i. Vide Orders dated 28.04.2023 and 29.04.2023, passed by the learned Debts Recovery Tribunal-II, Delhi ("DRT-II") in T.A. No. 613/2022, the learned DRT-II dealt with and disposed of I.A. No. 714/2023, which had been filed for taking on record the evidence of Defendant No. 1.
- ii. The aforesaid Orders dated 28.04.2023 and 29.04.2023 were challenged by the Petitioner before this Court in W.P.(C) No. 8210/2023. The said writ petition came to be dismissed by this Court *vide* Order dated 25.07.2023, primarily on the ground that an efficacious alternative statutory remedy of appeal before the learned DRAT was available to the Petitioner and, therefore, such remedy ought to have been exhausted. Relevant portion of the Order dated 25.07.2023 reads as under:

"8. In the given facts of this case, we are not persuaded to accept that an exceptional case is made out for this court to entertain this petition notwithstanding that the petitioner has an efficacious alternative remedy for redressal of his grievances.

9. The petition is, accordingly, dismissed. The pending application is also disposed of.

10. In the event the petitioner prefers an appeal against the impugned orders before the Debt Recovery Appellate Tribunal within a period of two weeks from today, the same may be entertained uninfluenced by the question of delay."

- iii. The aforesaid Order dated 25.07.2023 was thereafter challenged

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by the Petitioner before the Supreme Court by way of SLP (C) No. 19323/2023. The said SLP came to be dismissed on 11.09.2023.

iv. Thereafter, the Petitioner instituted the statutory appeal before the learned DRAT on 30.09.2023.

v. The learned DRAT, however, declined to condone the delay in filing the appeal and dismissed the same *vide* the impugned Order dated 31.08.2026, primarily on the ground that the appeal had not been filed within the period of two weeks stipulated by this Court in Paragraph no. 10 of the Order dated 25.07.2023. Aggrieved by the same, the present petition has been filed.

5. Section 20 of the Recovery of Debts and Bankruptcy Act, 1993 (“RDB Act”) provides a statutory remedy to file an appeal against an order passed by the learned DRT before the learned DRAT.

6. Under Section 20(3) of the RDB Act, an appeal is required to be filed within 30 days from the date on which a copy of the order of the learned DRT is received by the aggrieved party.

7. The proviso to Section 20(3) further empowers the learned DRAT to entertain an appeal after the expiry of the prescribed period of 30 days, if the appellant satisfies the learned DRAT that there was sufficient cause for not filing the appeal within the prescribed period.

8. In the present case, the Petitioner had initially approached this Court by filing W.P.(C) No. 8210/2023 against the Orders passed by the learned DRT-II. The said writ petition was disposed of *vide* Order dated 25.07.2023, whereby this Court directed the Petitioner to avail the alternative remedy of appeal before the learned DRAT. This Court



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further granted two weeks' time to the Petitioner to file the appeal.

9. The Petitioner, thereafter, exercised its constitutional remedy under Article 136 of the Constitution of India by approaching the Supreme Court against the Order dated 25.07.2023. The said SLP was dismissed *vide* Order dated 11.09.2023. Thereafter, the Petitioner filed the appeal before the learned DRAT on 30.09.2023, i.e. within 19 days of the dismissal of the SLP.

10. However, the learned DRAT declined to condone the delay and dismissed the appeal on the ground that the appeal had not been filed within the two-week period granted by this Court *vide* Order dated 25.07.2023.

11. Heard counsel for the parties.

12. Learned counsel appearing for the Respondent submits that, once the SLP filed by the Petitioner against the Order dated 25.07.2023 was dismissed by the Supreme Court, the present writ petition under Article 226 of the Constitution of India is not maintainable.

13. The said submission cannot be accepted.

14. The Supreme Court has repeatedly held that dismissal of a Special Leave Petition at the threshold, without grant of leave, does not result in merger of the order challenged in the SLP with the order of the Supreme Court. The distinction between dismissal of an SLP and dismissal of an appeal after grant of leave has been explained by the Supreme Court in ***Khoday Distilleries Ltd. v. Sri Mahadeshwara Sahakara Sakkare Karkhane Ltd.***, (2019) 4 SCC 376 which has approved the judgment of ***Kunhayammed v. State of Kerala***, (2000) 6



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SCC 359. It is now well settled that dismissal of SLP only means that the Supreme Court has not exercised its discretion to entertain the challenge under Article 136 of the Constitution of India. A perusal of the order dismissing the SLP indicates that the SLP was dismissed in *limine*. Therefore, the dismissal of the SLP does not, by itself, bar the Petitioner from pursuing the remedy otherwise available in law.

15. In the present case, this Court, *vide* Order dated 25.07.2023, had specifically permitted the Petitioner to file an appeal before the learned DRAT within two weeks. The Petitioner thereafter challenged the said Order before the Supreme Court by filing an SLP. The time spent by the Petitioner in *bona fide* prosecution of the said remedy is a relevant circumstance while considering the application for condonation of delay under Section 20(3) of the RDB Act.

16. The Petitioner, therefore, cannot be said to have abandoned or failed to pursue his statutory remedy. The Petitioner had continuously pursued the remedies available to it and, immediately after the dismissal of the SLP, filed the appeal before the learned DRAT in 19 days.

17. The short question that arises for consideration is whether, in the facts and circumstances of the present case, the delay beyond the period of two weeks granted by this Court ought to have been condoned by the learned DRAT.

18. In the opinion of this Court, the learned DRAT has adopted a hyper technical approach in refusing to condone the delay without properly considering the circumstances as to why the Petitioner did not file the appeal within the two-weeks' period granted by this Court.



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19. The material on record shows that the Petitioner was diligent in pursuing its legal remedies. The Petitioner first approached this Court, thereafter approached the Supreme Court, and, upon dismissal of the SLP on 11.09.2023, filed the appeal before the learned DRAT on 30.09.2023 in the facts of the present case. It cannot be said that the Petitioner was negligent or inactive in pursuing its remedy. It is also relevant to note that the Petitioner is a senior citizen and is stated to be suffering from various ailments. This circumstance also deserves to be taken into consideration while considering the explanation furnished by the Petitioner for the delay.

20. In view of the above facts, particularly the continuous pursuit of the legal remedies by the Petitioner and the fact that the appeal was filed within 19 days of the dismissal of the SLP, this Court is of the view that sufficient cause has been shown for condoning the delay.

21. Accordingly, the delay in filing the appeal before the learned DRAT is condoned. The learned DRAT is directed to consider and decide the appeal on merits in accordance with law.

22. In view of the aforesaid directions, the present petition, along with all pending applications, stands disposed of.

SUBRAMONIUM PRASAD, J

RENU BHATNAGAR, J

SEPTEMBER 30, 2026/bs/sm

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