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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8298/2014**

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Date of Judgment : 14.09.2015

STANDARD CHARTERED BANK & ANR Petitioner
Through : Mr. Sanjeev Sagar, Advocate.

versus

RAJESH RANI MATHUR & ANR Respondent
Through : Mr. Gaurav Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

1. Aggrieved by the order dated 21.07.2014 passed by the Debts Recovery Appellate Tribunal by which an application filed by the bank seeking to recover an amount of Rs. 1,09,830/- spent as publication charges and Rs. 1.59 Lacs approximately spent for providing security guard at the property has been disallowed by the Appellate Tribunal on the ground that in the appeal filed by the Bank which was disposed of on 05.07.2013 in the concluding para, the Appellate Tribunal had stated "Parties to bear their own cost of the appeal".
2. The bank had initiated proceedings against the respondent under the SARFAESI Act. Possession of the property was taken, although by a subsequent order the possession has been restored back to the borrower and the account has been regularized.
3. We have heard counsel for the parties.

4. The short question which arises for consideration is whether the bank can be deprived of the actual amount spent for publication and for security guards and secondly whether such amount can be termed as cost of appeal.
5. In our view, the Tribunal has misread the order dated 05.07.2013 as it only relates to cost of filing of the appeal and has no connection with the cost for publication or amount spent for providing security guard which is *bona fide* expenditure. Accordingly, the order dated 21.07.2014 is set aside, however we make it clear that this cost will be added in the final cost of the proceedings subject however petitioner providing actual bills for publication and also for amount paid to the security guards of the property.
6. The writ petition is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 14, 2015

SC