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

+ W.P.(C) 6418/2015

% *Judgment dated 15th July, 2015*

M/S PANKHURI INTERNATIONAL AND ORS Petitioners

Through : Mr.Basant C. Agrawal, Adv.

versus

BANK OF INDIA Respondent

Through : Mr.I.P.S. Oberoi and Ms.Ayushi Kiran,
Advs.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

CM APPL. 11689/2015.

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 6418/2015 & CM APPL. 11688/2015.

3. Present petition has been filed by the petitioners under Articles 226 and 227 of the Constitution of India against the Order dated 11.2.2015 passed by Debt Recovery Tribunal-II in OA No.95/2013 and the Order dated 30.3.2015 passed by Debt Recovery Appellate Tribunal in Appeal No.98/2015.
4. As per the petition, two interim applications, being I.A.Nos.440/2014 and 441/2014 were filed by the petitioners before the Debts Recovery Tribunal seeking directions to the respondent Bank to produce certain documents and leave to cross-examine the witnesses of the Bank. Both the applications were dismissed. On an appeal filed before the Debts

Recovery Appellate Tribunal, the petitioner met with the same fate.

5. It may be noticed that while passing the order dated 30.3.2015 the Debts Recovery Appellate Tribunal has observed that in the absence of details of the documents, which are sought from the respondent Bank, the application of the petitioners cannot be entertained.
6. After some hearing in the matter, learned counsel for the petitioners submits that he will file a fresh application within one week from today before the Debts Recovery Tribunal giving details of documents, which are required to be produced. Counsel for the bank submits that the bank will produce such documents which are in their possession and power or object to producing such documents in accordance with law. At this stage, counsel for the petitioners submits that he does not press his prayer for cross-examination of the witness of the bank and only after the documents are produced, he would make a fresh application if required giving reasons for cross-examination of the witnesses of the Bank.
7. It is also agreed that the respondent will have a right to oppose the application for producing the documents, in accordance with law, however, counsel for the respondent assures the Court that in case the documents are available, they will be produced to cut short the controversy.
8. Accordingly, writ petition and application stand disposed of in above terms.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 15, 2015 msr