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

% *Judgment dated 1st September, 2015*

+ W.P.(C) 7166/2015 & CM.APPL 13137/2015(stay)

NEELAM NAGPAL AND ANR. Petitioners

Through Mr. Sunil K. Mittal, Mr. Gautam
Choubey & Mr. Vipin K. Mittal,
Advocate

versus

SYNDICATE BANK AND ORS. Respondents

Through Mr. Karan Khanna, Advocate for
Syndicate Bank.
Mr. Kirti Uppal, Senior Advocate with
Mr. Jatan Singh, Advocate for DRAT Bar
Association.
Mr. B.S. Nagar, Advocate, President,
DRAT Bar Association with
Dr. Chaudhary Shamsuddin Khan,
Advocate, Mr. S.K. Tyagi, Advocate.
Mr. U. N. Singh, Advocate for DRAT Bar
Association.
Mr. I.S. Chauhan, Advocate for UCO
Bank.
Mr. Girish Verma, Advocate for State
Bank of Bikaner & Jaipur.
Ms. Reema Khorana, Advocate for
Central Bank of India.
Mr. Hashmat Nabi, Advocate for PNB.

+ W.P.(C) 7168/2015 & CM.APPL 13140/2015(stay)

NEELAM NAGPAL Petitioner

Through Mr. Sunil K. Mittal, Mr. Gautam
Choubey & Mr. Vipin K. Mittal,
Advocate

versus

SYNDICATE BANK AND ORS. Respondents

Through Mr. Karan Khanna, Advocate for

Syndicate Bank.
Mr. Kirti Uppal, Senior Advocate with
Mr. Jatan Singh, Advocate for DRAT Bar
Association.
Mr. B.S. Nagar, Advocate, President,
DRAT Bar Association with
Dr. Chaudhary Shamsuddin Khan,
Advocate, Mr. S.K. Tyagi, Advocate.
Mr. U. N. Singh, Advocate for DRAT Bar
Association.
Mr. I.S. Chauhan, Advocate for UCO
Bank.
Mr. Girish Verma, Advocate for State
Bank of Bikaner & Jaipur.
Ms. Reema Khorana, Advocate for
Central Bank of India.
Mr. Hashmat Nabi, Advocate for PNB.

+ W.P.(C) 7294/2015 & CM.APPL 13399/2015(stay)

NEELAM NAGPAL AND ANR. Petitioners

Through Mr. Sunil K. Mittal, Mr. Gautam
Choubey & Mr. Vipin K. Mittal,
Advocate

versus

SYNDICATE BANK AND ORS. Respondents

Through Mr. Karan Khanna, Advocate for
Syndicate Bank.
Mr. Kirti Uppal, Senior Advocate with
Mr. Jatan Singh, Advocate for DRAT Bar
Association.
Mr. B.S. Nagar, Advocate, President,
DRAT Bar Association with
Dr. Chaudhary Shamsuddin Khan,
Advocate, Mr. S.K. Tyagi, Advocate.
Mr. U. N. Singh, Advocate for DRAT Bar
Association.
Mr. I.S. Chauhan, Advocate for UCO
Bank.
Mr. Girish Verma, Advocate for State

Bank of Bikaner & Jaipur.
Ms. Reema Khorana, Advocate for
Central Bank of India.
Mr. Hashmat Nabi, Advocate for PNB.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Present petitions are being disposed of by a common order.
2. The appeals filed by the petitioners herein before the Debts Recovery Appellate Tribunal were dismissed in default. By an order dated 9.7.2015, the applications were dismissed by a detailed order, in which the Appellate Tribunal with a deep sense of anguish and pain narrated the sequence of events held on 30.6.2015. We are not intended at this stage to go into the details and the manner in which the lawyers had behaved but to say that when the matter was listed before this Court, the following order was passed on 17.8.2015, which reads as under:

“Since the neither the petitioners nor their counsel had appeared when the matters were listed, the appeals filed were dismissed by the DRAT which led to the filing of the present writ petitions. The stand of the petitioners is that they were prevented from appearing on account of call given by the Bar Association for abstinence of work. We had issued notice to the President and Secretary, Debts Recovery Tribunal Bar Association (DRTBA) to remain present in the Court.

We have taken up the matter in Chamber. The President DRTBA on behalf of the Executive Committee has submitted that there was no intention to show any disrespect to the Chairman of the Tribunal or follow the path of confrontation. Mr. B.S. Nagar has further submitted that the Executive wishes to seek an appointment with the Chairman and explain their point of view and clear any misunderstandings which may have crept up. Mr. B.S. Nagar also submits that an appointment will be sought from the Chairman in the

next two days. We hope that the learned Chairman will give an audience to the office bearers, as the President, on behalf of the Executive Committee, has assured us that the misunderstanding would be resolved and, in case any action of the Committee has hurt the feeling of the Chairman, remedial action will be taken.

List on 01.09.2015.

Dasti under the signature of Court Master to the parties.”

3. Mr. B.S. Nagar, President, Dr. Chaudhary Shamsuddin Khan, Secretary and Mr. U.N.Singh, Member Executive of Debts Recovery Tribunal Bar Association (DRTBA) are present.
4. Pursuant to the aforesaid order, we have taken up the matter in the Chamber today to this Court. We have also perused the Minutes of the Meeting forwarded by the Chairman. Mr. Nagar, on behalf of all the Members of the Committee submits that as is evident from the Minutes of the Meeting, the Committee Members had met the Chairman and expressed their regret for the incident which had taken place. They reiterate that any incident which may have taken place was only in the heat of moment and they never had nor do they have any intention of hurting or showing any disrespect to the Chairman or with regard to doubting his capacity as Chairman of the Tribunal and, thus, the apology, so tendered, should be accepted. Mr. Nagar also submits that any complaint made to the Finance Minister shall be withdrawn and also any communication addressed to any journalist would also be withdrawn within one week from today and due compliance will be filed in this Court and they would also get an appropriate item published in the newspaper to clarify this aspect. The Committee has also expressed regret on the use of words “incapable and misbehaviour”. Mr.Nagar also agreed

that they will write to the Finance Ministry and to the Press and annex copies of both the orders dated 17.8.2015 and the order passed today.

5. We have heard the learned counsel for the parties. We have noticed the events which led to the dismissal of the appeals filed by the petitioners before the Debts Recovery Appellate Tribunal. We may notice that all the appeals were dismissed as the counsels did not appear on account of a call given by the Bar Association for abstinence of work. We have noted that the office bearers have met the Chairman and tendered their unqualified apology which has been reiterated before us as well.
6. Accordingly, to meet the ends of justice and to put a quietus to the matter and in view of the subsequent conduct of the Committee, the order dated 09.07.2015 passed by the Debts Recovery Appellate Tribunal is set aside. The matters are remanded back before the DRAT for hearing the matters on merit on 15.09.2015.
7. The writ petitions are disposed of accordingly.

CM.APPL 13137/2015(stay)

CM.APPL 13140/2015(stay)

CM.APPL 13339/2015(stay)

8. In view of the present writ petitions having been disposed of, the applications also stand disposed of accordingly.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 01, 2015 pst