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

+ W.P.(C) 5141/2015

HARYANA FINANCIAL CORPORATION Petitioner

Represented by: Mr.S.B.Singh, Advocate

versus

STATE BANK OF BIKANER & JAIPUR & ORS Respondents

Represented by: Mr.M.S.Saluja, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **08.03.2016**

1. Having heard learned counsel for the parties we dispose of the writ petition setting aside the impugned order dated August 08, 2014.
2. Appeal No.138/2012 is restored for adjudication afresh.
3. The reason being the view taken by the learned DRAT that two public sector undertakings are fighting and thus there would be no loss of public money, is no ground not to decide writ petitioner's claim regarding debt due for the reason the writ petitioner has a first charge over the properties of M/s.Shiv Ganga Organics Chemicals which have been sold and the sale proceeds realized have to be distributed.
4. The second reason that the writ petitioner is not sure of its claim is a patently erroneous finding. Mere fact that original claim was for ₹67,30,399/- and was revised to ₹90,54,711/-, does not mean that the writ

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petitioner is not sure of its claim. We simply highlight that on December 10, 2009 claim in sum of ₹67,30,399/- was made and revised within just over a month, on January 19, 2010 to ₹90,54,711/-.

5. Humans are prone to commit mistakes.

6. The Debts Recovery Appellate Tribunal would decide Appeal No.138/2012 as per law and would determine whether the DRT has, on correct principles, quantify the claim of the petitioner.

7. No costs.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

MARCH 08, 2016

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