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

+ **W.P.(C) 3082/2016**

M/S ALLIED PERFUMERS PVT. LTD. & ORS Petitioner

Represented by: **Mr.Anil Airi, Ms.Roopa Dayal,
Mr.Saeed Husain, Advs.**

versus

BANK OF BARODA & ORS

..... Respondent

Represented by: **Ms.Priyadarshini Verma, Adv.
for R-1/Bank of Baroda.
Mr.Rajiv Kapur, Adv. for R-3.
Mr.Kittu Bajaj, Adv. for R-4.**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
08.04.2016

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CM 13044/2016

Exemption allowed subject to just exceptions.

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1. Impugned order dated March 28, 2006 is perverse to the extreme and as a matter of fact amounts to a contempt of the order dated March 21, 2016 passed by this Court in W.P.(C) No.2450/2016. Expressing our displeasure and passing strictures at the DRAT we refrain from initiating contempt action to preserve the dignity of the Presiding Officer of the DRAT.
2. Courts and Tribunals are meant to administer law as per procedure prescribed. If there is a power of review vested the same cannot be curtailed by issuing administrative instructions to the Registry.
3. Order dated March 21, 2016 notes the legal position that no Court or

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Tribunal can pass peremptory orders denuding itself jurisdiction vested by law. If law vests a review jurisdiction in the DRAT, no peremptory order can be passed by DRAT which denudes the Appellate Tribunal its review jurisdiction.

4. In Paragraph 5 of the order dated March 21, 2016, we had specifically noted the grievance of the petitioner as also the language of the order passed by the DRAT on December 23, 2015.

5. It was clearly indicated that the wrong committed by DRAT was to pass administrative directions to the Registry not to receive, and as a consequence list, applications not filed at least two days prior to the date of hearing and as a consequence dismissed the appeal filed by the petitioner.

6. Whereas administrative instructions can certainly be issued as regards listing of applications but if for some reason on account of the administrative instructions the Registry does not receive an application, the duty of the DRAT is to adjourn hearing if told that a review petition has been drafted and intended to be filed concerning a previous order having bearing on the maintainability of the appeal.

7. Under the circumstances we set aside the impugned order dated March 28, 2016 which incorrectly records the facts, probably to outreach the order passed by this Court. We direct the Registry of DRAT to accept the review petition which petitioner was intending to file but the Registry was not receiving. We direct the DRAT to hear the review application expeditiously.

8. On being informed that the Presiding Officer of DRAT has superannuated and vacancy not filled up we take on record statement of learned counsel for Bank of Baroda that no coercive action shall be taken by

the bank concerning order passed by DRAT in OA No.203/3013 till the review application is decided by the DRAT.

9. No cost.

CM 13043/2016 (stay)

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

APRIL 08, 2016

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