

\$~12&13

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

+ **W.P.(C) 4110/2016**

**M/S. LEELAWATI SMARAK ADHUNIK
SHIKSHA SANSTHAN & ANR.**

..... Petitioner

Represented by: **Mr.Rajiv Mehra, Sr.Adv.
instructed by Mr.Vaibhav
Manu Srivastava, Adv.**

versus

**M/S. HOUSING & URBAN DEVELOPMENT
CORPORATION LTD.**

..... Respondent

Represented by: **Mr.R.P.Vats, Adv. with
Mr.Jai Parkash, AGM.**

+ **W.P.(C) 4111/2016**

**M/S. LEELAWATI SMARAK ADHUNIK
SHIKSHA SANSTHAN**

..... Petitioner

Represented by: **Mr.Rajiv Mehra, Sr.Adv.
instructed by Mr.Vaibhav
Manu Srivastava, Adv.**

versus

**M/S. HOUSING & URBAN DEVELOPMENT
CORPORATION LTD.**

..... Respondent

Represented by: **Mr.R.P.Vats, Adv. with
Mr.Jai Parkash, AGM.**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

Signature Not Verified

W.P.(C) Nos. 4110/2016 & 4111/2016

Page 1 of 4

Signing Date:03.10.2024 17:11:32
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

2

ORDER
10.05.2016

%

CM 17318/2016 in W.P.(C) 4110/2016
CM 17322/2016 in W.P.(C) 4111/2016

Exemptions allowed subject to just exceptions.

W.P.(C) 4110/2016 and W.P.(C) 4111/2016

1. Respondent's Original Application and petitioner's Securitization Application were decided by a common order dated February 27, 2015 by the Debts Recovery Tribunal, against which two appeals No.384/2015 and 385/2015 were filed before the Debts Recovery Appellate Tribunal (DRAT). Both appeals were disposed of on consent as recorded in the impugned order dated February 15, 2016. The impugned order records that both appeals were at the stage of final hearing and that learned counsel for the appellant i.e. the petitioner gave up all the pleas on merits but primarily pleaded that the petitioner be given some concession in the rate of interest because it was an educational institution having more than 700-800 students on its rolls.
2. The order dated February 15, 2016 records that since the appellant i.e. the petitioner has given up all pleas on merits and has shown bona-fides by depositing ₹50 lakhs to liquidate the liability, the prayer for reduction of interest was being appropriately considered. Declining interest to be reduced to 10% p.a. as prayed by the petitioner, the DRAT reduced the interest to 12% p.a. upon the condition that the petitioner would discharge the entire liability within the period of nine months in three equal quarterly instalments.
3. All and sundry issues are now being raised in the writ petition

3

concerning the order dated February 27, 2015 passed by the learned DRT.

4. In view of the concession recorded in the impugned order passed by DRAT we are afraid we cannot entertain any plea which lays a challenge to the order passed by DRT. Submission made by learned counsel for the petitioner that the counsel made a concession without instructions from the petitioner and that the concession is demonstrably to the detriment of the petitioner, requires the petitioner to first move an application before the learned DRAT.

5. Declining to entertain the petitions which merits dismissal for the reasons hereinabove recorded, we simply direct that if the petitioner were to file applications in the two appeals before the DRAT, the same shall be considered as per law.

6. Noting at this stage that on account of the retirement of the sole person discharging duties as Chairperson DRAT, since learned counsel for the respondent appears on advance copy of the two writ petitions being served, we request the respondent not to press for execution of the order dated February 27, 2015 passed by the DRT till the vacancy in the DRAT is filled up and application proposed to be filed by the petitioner is considered. But, the money lying deposited with the DRAT pursuant to an interim order passed shall be released to the respondent without prejudice, and if the petitioner offers further payments the same may be received by the respondent without prejudice.

7. No costs.

CM 17317/2016 (stay) in W.P.(C) 4110/2016
CM 17321/2016 (stay) in W.P.(C) 4111/2016

Dismissed as infructuous.


PRADEEP NANDRAJOG, J.


MUKTA GUPTA, J.

MAY 10, 2016
'ga'