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

+ W.P.(C) 4207/2015

ORIENTAL BANK OF COMMERCE Petitioner
Represented by: Mr.Vipin Jai, Adv.

versus

AVNEESH CHANDAN GADGIL & ORS Respondents
Represented by: Mr.Hashmat Nabi, Advocate
for R-1 & R-2

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **16.02.2016**

1. Respondent Nos.1 & 2 were the appellants before the Debts Recovery Appellate Tribunal. They had laid a challenge to an order dated June 05, 2014 passed by the Debts Recovery Tribunal-I in Appeal No.58/2011, which appeal in turn laid a challenge to an order dated July 14, 2011 passed by the Recovery Officer attached to the Debts Recovery Tribunal-I. The appeal before Debts Recovery Tribunal-I was filed beyond the period of limitation. Vide IA 503/2011 prayer was made to condone the delay in filing the appeal. The delay was condoned.

2. The respondent Nos.1 & 2 were aggrieved by the delay being condoned in favour of the bank and filed the appeal before the Debts Recovery Appellate Tribunal. It was registered as Miscellaneous Appeal No.274/2014.

3. The second appeal was allowed by the Debts Recovery Appellate Tribunal holding that the Limitation Act, 1963 does not apply to appellate

remedies under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

4. The bank has challenged the order dated November 18, 2014 passed by Debts Recovery Appellate Tribunal in the instant writ petition.

5. The issue is no longer res-integra. Two authoritative pronouncements have since been rendered by the Supreme Court. The first is a decision dated July 01, 2015 in CA No.4926/2015 A.R Venugopal vs. Jotheeswaran & Ors. The second is reported as AIR 2015 SC 2881 Baleshwar Dayal Jaiswal vs. Bank of India & Ors.

6. Learned counsel for respondent Nos.1 & 2 does not dispute that as per law declared in said two decisions the view taken by the Debts Recovery Appellate Tribunal has to be overruled. The law declared is that concerning appeals under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, Limitation Act would apply and delay in filing appeals can be condoned.

7. We dispose of the writ petition quashing the impugned order dated November 18, 2014. We restore the order dated June 05, 2014 passed by the Debts Recovery Tribunal condoning delay in filing Appeal No.58/2011.

8. No costs.

CM No.7612/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

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