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

+ **W.P.(C) 7582/2016**

CITIBANK N.A.

..... Petitioner

Through : Mr Rajeev K. Virmani, Senior
Advocate with Mr Ashish Kothari and
Mr Jyoti Sahu, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr Sanjeev Narula, Advocate for R-1
& R-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **29.08.2016**

CM No.31241/2016(exemption)

Allowed, subject to all just exceptions.

W.P.(C) 7582/2016 & CM No.31240/2016(interim relief)

The petitioner seeks a direction to the Special Director (Appeals) - respondent No.2 to hear and dispose of the petitioner's application for stay of operation of order dated 23.08.2016 filed by the petitioner along with the appeal impugning the said order.

It is contended that the appeal was filed on 24.05.2016 and till 03.08.2016, no intimation was received with regard to hearing of the appeal or the stay application.

It is contended that on 03.08.2016, notice has been issued by the respondent No.2 intimating the petitioner that the appeal is listed for hearing on 19.09.2016. It is contended that the notice for hearing does not state as to whether the application for stay would also be considered on the said date or not.

Learned senior counsel for the petitioner contends that the delay in hearing of the stay application would prejudice the petitioner as the appeal would be rendered infructuous.

It is further contended that the respondents have issued a notice to the petitioner requiring them to deposit the penalty amount of Rs.5 lakhs imposed by the order dated 23.08.2016 impugned in the appeal filed by the petitioner. It is contended that till the application is taken up for hearing, the respondents should not take precipitate steps with regard to the said penalty amount.

Issue notice. Notice is accepted by learned counsel for respondent Nos. 1 & 3, who submits that the appeal filed by the petitioner is listed for hearing on 19.09.2016 and in all likelihood, the interim application would also be considered on the said date.

The petition is disposed of by directing the respondent No.2 to consider the application for stay filed by the petitioner along with the appeal on 19.09.2016 or such other date as the authority may deem appropriate.

When the application is taken up for consideration, it would be open to the respondent No.2 to consider the request of the petitioner for grant of the interim protection.

Till the application is taken up for consideration, no precipitate steps for recovery of penalty amount shall be taken against the petitioner.

It is clarified that in case the respondent No.2 takes up the application and is not inclined to grant any interim protection, the operation of the protection granted to the petitioner by this order shall cease.

The present writ petition is disposed of.

It is further clarified that this Court has not examined the merits of the contentions of either parties.

Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

AUGUST 29, 2016

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