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

+ W.P.(C) 4367/2015

BHUPINDER MANN

..... Petitioner

Represented by: Mr.Alpha Phiris Dayal, Adv.
for Mr.Kuldeep Mansukhani,
Adv.

versus

CORPORATION BANK LTD. & ANR.

..... Respondents

Represented by: Mr.Ajant Kumar, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **19.02.2016**

1. Vide impugned order dated March 25, 2015 the Debts Recovery Appellate Tribunal has concurred with the view taken by the Debts Recovery Tribunal-III as per order dated September 11, 2012 that appeal filed before it against the order dated September 18, 2009 passed by the Recovery Officer of the Tribunal was barred by limitation and the Debts Recovery Tribunal-III did not have the power to condone the delay because Section 5 of the Limitation Act, 1963 was not applicable to the proceedings under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

2. The said view is incorrect in view of the law declared by the Supreme

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Court in the decisions dated July 01, 2015 in CA No.4926/2015 A.R Venugopal vs. Jotheeswaran & Ors. and reported as AIR 2015 SC 2881 Baleshwar Dayal Jaiswal vs. Bank of India & Ors.

3. Accordingly, we allow the writ petition and quash the impugned order dated March 25, 2015 passed by the Debts Recovery Appellate Tribunal as also the order dated September 11, 2012 passed by the Debts Recovery Tribunal. The appeal before the Debts Recovery Tribunal as also the application filed therein praying for delay in filing appeal to be condoned which is IA 513/2009 is restored and shall be decided by Debts Recovery Tribunal.

4. No costs.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 19, 2016
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