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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1535/2015
GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE
REWARI HARYANA Petitioner
Represented by: Ms.Noopur Singhal, Adv.

versus

M/S. JAI RAPID ROLLERS LTD. & ORS. Respondents
Represented by:

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
% **19.02.2016**

1. Whereas respondent No.2 is served, report of the Process Server is that son of Sukhbir Singh the sole proprietor of respondent No.1 has refused to accept the summons.
2. None appears for the respondent Nos.1 & 2. We note that counsel for respondent No.3 had appeared on July 17, 2015 but he does not appear today.
3. The issue is short. It is covered by the law declared by the Supreme 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.
4. Impugned order dated July 16, 2014 has upheld an order dated May 08, 2013 passed by Debts Recovery Tribunal-II. The said order dated May 08, 2013 was in Appeal No.8/2011 which was filed beyond the period of W.P.(C) 1535/2015

limitation. It laid a challenge to an order passed by the Recovery Officer dated March 27, 2009. The Debts Recovery Tribunal held that it did not have the power to condone the delay in filing the appeal, which was prayed for by the writ petitioner relying upon Section 5 of the Limitation Act, 1963. The Debts Recovery Appellate Tribunal has upheld the order passed by Debts Recovery Tribunal.

5. The law declared by the Supreme Court in two afore-noted decisions is that Limitation Act, 1963 applies to proceedings under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 and the authorities under the Act would have the power under Section 5 of the Limitation Act, 1963.

6. Accordingly, the writ petition is allowed. Impugned order dated July 16, 2014 as also May 08, 2013 passed by the Debts Recovery Appellate Tribunal and Debts Recovery Tribunal are quashed. Appeal No.8/2011 along with the accompanying application No.660/2011 praying for delay to be condoned in filing the appeal before the Debts Recovery Tribunal are restored.

7. The Debts Recovery Tribunal would decide whether sufficient cause has been shown for delay to be condoned in filing the appeal before it and would decide IA 660/2011.

8. No costs.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

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