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

+ **W.P.(C) 10161/2015**

PUNJAB NATIONAL BANK Petitioner

Represented by: **Mr.Pallav Saxena, Advocate**

versus

WEST COAST PAPER MILLS LTD. & ORS Respondents

Represented by: **Mr.Sanjay K.Shandilya, Advocate for
R-1 and R-2**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **16.02.2016**

CM No.5636/2016

Allowed.

Amended writ is taken on record.

W.P.(C) No.10161/2015

1. R-1 and R-2 are contesting respondents.
2. They are served and appear through counsel as above.
3. Respondents No.1 & 2 were the appellants before the Debts Recovery Appellate Tribunal. They had laid a challenge to an order dated June 03, 2013 passed by the Debts Recovery Tribunal-III in Appeal No.24 /2010 whereby delay in preference of the appeal was condoned. The respondents No.1 and 2 sought review of order dated June 03, 2013 by preferring I.A.(M) No.892/2013 in Appeal No.24/2010 which was dismissed vide order

W.P.(C) 10161/2015

page 1 of 3

dated July 11, 2013. These two orders were challenged by respondents No.1 and 2 before the Debts Recovery Appellate Tribunal vide Appeals No.214/2014 and 215/2014 respectively. The Debts Recovery Appellate Tribunal vide order dated October 14, 2014 dismissed the above appeals holding therein that no case for interference in the impugned orders was made out. The respondents No.1 and 2 thereafter sought review of the order dated October 14, 2014 vide Miscellaneous Case No.769/2014 and Miscellaneous Case No.797/2014 respectively. The Debts Recovery Appellate Tribunal vide impugned order dated December 02, 2014 allowed the review applications as also the appeals while quashing the order dated June 03, 2013 passed by the Debts Recovery Tribunal-III.

4. The bank has challenged the order dated December 02, 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 December 02, 2014. We restore the order dated June 03, 2013 passed by the Debts Recovery Tribunal condoning delay in filing Appeal No.24/2010.

8. The Debts Recovery Tribunal-III is directed to decide Appeal No.24/2010 on merits.

9. No costs.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 16, 2016

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