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

+ W.P.(C) 11672/2015

M/S DEVIDAYAL & MAHINDRA CABLES
(P) LTD.

..... Petitioner

Represented by: Mr.Tarun Kashyap, Advocate

versus

STATE BANK OF INDIA

..... Respondent

Represented by: Mr.Sanjay Bhatt, Advocate with
Mr.Abhishek Anand, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **08.04.2016**

1. Having heard learned counsel for the parties we find no merit in the petition. The grievance of the petitioner that vide impugned order dated May 05, 2015 passed by DRAT, leave has been granted to the respondent-bank to lead additional evidence is totally misfounded.
2. Allowing the appeal filed by the petitioner against the order dated September 10, 2013 passed by DRT-III, vide order dated May 05, 2015, DRAT has remanded the matter to DRT requiring it to re-decide the claim filed by the respondent-bank after considering the pleas and the evidence relied upon in support thereof by the petitioner.
3. While remanding the matter, in the penultimate paragraph of the

impugned order, the DRAT has written : *‘The bank can be permitted to make a prayer for leading additional evidence while the case is heard on remand. The parties, therefore, would be at liberty to move any application to seek permission to lead additional evidence and it is left to the Tribunal to decide the same in accordance with law.’*

4. Suffice it to state that DRAT has not granted any permission to the bank to lead additional evidence. DRAT has simply observed that if the respondent-bank files an application before DRT to lead additional evidence the said application shall be decided by DRT in accordance with law.

5. It would be enough for us to note that no permission is required for a party to avail a remedy available in law. It is for the Fora before which the remedy is sought to decide whether the same can be granted. At the remanded proceedings before DRT, keeping in view the observations made by DRAT, if respondent feels that additional evidence needs to be led it has a right to file an application seeking such permission and for which it does not need any authority from DRAT. Of course, any application filed has to be decided by DRT as per law.

6. That on an earlier occasion the bank had filed an application to lead additional evidence which was dismissed by DRT is immaterial for the reason, if in view of the observations made by DRAT while remanding the matter, a situation arises for additional evidence to be led, or so feels the bank, it certainly has a right to file an application praying to be granted leave to lead additional evidence.

7. The petition is dismissed.

8. No costs.

CM No.31016/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

APRIL 08, 2016

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