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

+ **W.P.(C) 343/2017**

RAJU SINGH

..... Petitioner

Through **Mr. Rajeev Ranjan Paney and Mr.
Prakash Verma, Advs. with petitioner**

versus

UNION OF INDIA & ORS

..... Respondents

Through **Ms. Shiva Lakshmi, CGSC for UOI
with Mr. Ruchir Ranjan Rai, Adv.
Mr. Brijesh Kumar Tamber with Ms.
Poonam Gupta, Advs. for R-3 & 4**

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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20.02.2017

1. Pursuant to the last order, Mr. Brijesh Kumar Tamber, learned counsel enters appearance on behalf of the respondent nos. 3 and 4/Indian Bank and states that he has been nominated by the Bank to accept advance copies of petitions filed in the High Court and his name has been duly displayed on the website of the High Court for future reference.
2. Though notice of the petition has not yet been issued, counter affidavit stands filed by the respondents No. 3 and 4/Bank wherein it is stated that a term loan was disbursed to the petitioner to purchase certain machineries, which were hypothecated to the Bank as a primary security.
3. In the month of June, 2016, the petitioner had approached the Bank for disbursement of the working capital limit of the loan. Prior to the said disbursement, as a part of the due diligence process, the Branch Manager of the Bank had visited the premises of the petitioner on 22nd June, 2016 to

ascertain the proper utilization of the funds already disbursed but found that none of the machineries claimed to have been purchased by the petitioner were lying at the site and those found there, did not match with the description of the goods purchased by the petitioner.

4. Learned counsel for the respondent nos. 3 and 4/Bank states that the Bank officers had visited the premises of the petitioner i.e. G1/34, GT Karnal Industrial Area, Delhi as recently as in January, 2017, and once again he was unavailable there. They discovered that the petitioner had shifted his premises to some other place and was not even found to be residing at the address mentioned in the Memo of Parties of the present petition.

5. Learned counsel for the petitioner, denies the above and states on instructions that the petitioner is continuing to reside at the address mentioned in the Memo of Parties. However, he admits that the petitioner has left the premises from where he was carrying on his work, and moved to WZ-313A, Shakurpur Village, Delhi-110034 where the machineries in question are presently lying.

6. Learned counsel for the petitioner requests that an opportunity may be given to the petitioner to meet the bank officers of the respondents No. 3 and 4 with all relevant details so that they can visit the new premises and satisfy themselves as to whether the machineries in question are available there.

7. Accordingly, the petition is disposed of with the consent of the parties. The petitioner is directed to visit the office of the respondent no. 4/Bank on 22nd February, 2017 at 3.00 P.M. and meet the Branch Manager along with all the relevant documents.

8. The respondents No. 3 and 4/Bank shall verify as to whether the

machineries in question, already purchased by the petitioner from the loan amount extended by the Bank, is available at his premises. After due diligence, the petitioner's case shall be considered by the Bank for disbursal of the balance loan amount towards the working capital, if satisfied.

9. The petition is disposed of.

10. A copy of this order be given dasti to the counsel for the parties under the signatures of the Court Master.

FEBRUARY 20, 2017

sd/ap

HIMA KOHLI, J

