

\$~12

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

+ **W.P.(C) 2805/2017 & CM No. 12221/2017**

PRAMOD GOEL

..... Petitioner

Through: Mr. Pallav Saxena, Advocate along
with Ms. Bindu Das and Mr. Gaurav
Srivastava, Advocates.

versus

SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA & ORS.

..... Respondents

Through: Mr. Sanjeev Sagar, Advocate along
with Mr. Azeem, Advocate for R-
1/SIDBI.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **17.07.2017**

1. The petitioner is aggrieved by an order dated 01.02.2017 passed by the Recovery Officer-1, DRT III Delhi, directing his arrest and detention for non-compliance of the order dated 12.06.2015 passed in O.A 19/03.
2. A counter affidavit in opposition to the present petition has been filed by the respondent no. 1. Mr. Sanjeev Sagar, learned counsel for the respondent no. 1 challenges the maintainability of present petition and states that the petitioner has a remedy of appeal under Section 30 of the Recovery of Debt Due to Banks and Financial Institutions Act, 1993 which he has not availed of and instead has approached this Court directly, which is impermissible.

3. Learned counsel for the petitioner states that he may be granted liberty to file an appeal before the DRT. However, the protection granted vide order dated 28.03.2017 may be continued in the meantime. He seeks two weeks time to approach the DRT against the impugned order.
4. In view of the submission made hereinabove, the present appeal is disposed of. It is deemed appropriate to continue the operation of the order dated 28.03.2017 till 31st July, 2017. In the meantime, the petitioner shall take immediate steps to file an appeal before DRT.
5. The application for condonation of delay proposed to be filed by the petitioner before the DRT shall mention the pendency of the present petition for explaining the delay and the said factum shall be taken into consideration by the DRT while passing an order.
6. Parties shall be at liberty to take all the pleas that may be available to them before the DRT at the time of arguing the appeal.
7. The petition is disposed of along with the pending application.

HIMA KOHLI, J

DEEPA SHARMA, J

JULY 17, 2017/ss