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

+ **W.P.(C) 3071/2017**

M/S GENERAL POWER COMPANY PVT. LTD. & ORS.

..... Petitioners

Through Mrs. Maneesha Dhir, Mrs. Jayashree
S. Dasgupta and Ms. Saloni
Choudhary, Advs.

versus

PUNJAB NATIONAL BANK

..... Respondent

Through Mr. Hashmat Nabi with Mr.
Abhinav Thareja , Advs.

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

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10.04.2017

(CM No. 13395/2017 (Exemption))

Exemption allowed subject to just exceptions.

Application stands disposed of.

W.P.(C) 3071/2017 & CM No, 13394/2017 (stay)

1. The respondent is present on advance notice.
2. We have heard the ld. counsels for the parties in this writ petition.
3. Aggrieved by an order dated 30th January, 2017 passed by DRT-II rejecting the application seeking amendment of the written statement, the present petitioner had filed the appeal being

MA No. 61 of 2017 before the Debt Recovery Appellate Tribunal. This appeal was listed on several dates. While the proceedings before Debt Recovery Tribunal remained pending, on 31st March, 2017, counsel for the petitioner could not appear in the appeal before the Appellate Tribunal on account of the Bar having called for a strike. On that day, the appeal was adjourned by the Debt Recovery Appellate Tribunal to 1st May, 2017.

4. As the proceedings before the DRT were posted on 11th April, 2017, the appellant immediately filed an application for preponement of the date of hearing of the appeal. This application was rejected by the Debt Recovery Appellate Tribunal by an order passed on 6th April, 2017. On account of holidays in this Court from 2.4.2017 to 9.4.2017, this writ petition has been taken up today on urgent mentioning by the ld. Counsel for the petitioner, who submits that if MA No. 61 of 2017 is not heard and the matter proceeded with by DRAT, this appeal could be rendered infructuous.

5. Ld. Counsel for the respondent vehemently opposes the maintainability of this writ petition and grant of any relief to the petitioner on merits as well as urging that grant of any indulgence to the petitioner would work against the interest of the respondent bank.

6. Inasmuch as, the prayer made before us rests on a narrow ground that the appeal before the Tribunal deserves to be considered before final consideration by DRT, we are not going into the merits of the submissions made by the ld. Counsel for the respondent. However, given the submissions made by the ld. Counsel for the

respondent, we are of the view that the petitioner would be entitled to the grant of only one opportunity and no further indulgence before the DRAT.

The respondent also deserves to be compensated by payment of costs.

7. In view of the above, it is directed as follows :

(I) Subject to payment of costs of Rs.25,000/- to the respondent, the proceedings in OA No.136 of 2013 before DRT-II listed on 11.4.2017 shall be adjourned to a date after 1.5.2017, giving a reasonable time for completion of the proceedings in the pending appeal before the Debit Recovery Appellate Tribunal. Costs shall be paid within two days from today.

8. The writ petition and application are disposed off in the above terms.

A copy of this order be given Dasti under the signatures of the Court Master.

GITA MITTAL, J

ANIL KUMAR CHAWLA, J

APRIL 10, 2017/rc