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

+ W.P.(C) 3291/2017

JAH DEVELOPERS PRIVATE LIMITED AND ANR.

..... Petitioners

Through: Mr. I. S. Alag, Senior Advocate with
Mr.Rajesh Kumar and Mr. J. S. Lamba,
Advocates.

versus

STATE BANK OF INDIA

..... Respondents

Through: Mr. Jitendra Kumar, Advocate with and
Mr.Amrik Ram, Chief Manager.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

17.04.2017

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1. The present petition has been filed by the petitioner praying *inter alia* that till disposal of Misc. Appeal No. 165/2017 that is pending before the DRAT against an order dated 21.03.2017, passed by DRT-II in I.A. No. 170/2016, proceedings before the DRT be stayed.
2. Vide order dated 21.03.2017, passed by DRT-II, an application filed by the petitioner seeking permission to cross-examine the witness of the respondent No.2/Bank, was rejected with costs.
3. Aggrieved by the said order, the petitioner has filed an appeal before the DRAT registered as Misc. Appeal No. 165/2017. Vide order dated

05.04.2017, notice was directed to be issued on the said appeal returnable by 01.06.2017. In the meantime, vide order dated 03.04.2017, DRT-II has proceeded to list the matter on 19.04.2017, for final arguments.

4. Mr. Alag, learned Sr. Advocate appearing for the petitioner states that great injustice shall be caused to the petitioner if DRT-II proceeds to dispose of OA No. 189/2013, without awaiting the decision in the appeal pending before the DRAT.

5. Learned counsel for respondent No.2/Bank who appears on advance notice states that prior to passing the order dated 21.03.2017, two earlier orders were passed by the DRT-II on a similar application filed by the petitioner.

6. Vide order dated 29.02.2016, the first application filed by the petitioner (IA No. 170/2016) praying from permission to cross examine the bank witness, was dismissed. Aggrieved by the said order, the petitioner had filed an appeal before the DRAT. Vide order dated 06.01.2017, the said appeal allowed and the order dated 29.02.2016 passed by DRT-II was set aside. The matter was remanded back with a direction that the petitioner's application be heard and decided on merits.

7. Thereafter, the parties had appeared before DRT-II and were directed to file their written submissions. Vide order dated 06.02.2017, the petitioner's application was again dismissed. Aggrieved by the said order, the petitioner had filed an appeal before the DRAT which was allowed vide order dated 03.03.2017 with directions to issued DRT -II to afford an opportunity to both the sides to advance oral arguments and pass a fresh order.

8. Pursuant to the said order, the impugned order dated 21.03.2017 came to be passed by the DRT-II, yet again dismissing the application of the petitioner.
9. Now that the petitioner has filed an appeal against the order dated 21.03.2017 which is pending consideration before the DRAT and is listed on 21.06.2017, it would be appropriate to stay the hands of DRT-II till the disposal of the said appeal. Ordered accordingly.
10. The present petition is disposed of alongwith pending applications in terms of aforesaid order.
11. **Dasti** to parties.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

APRIL 17, 2017 / gr