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

+ **W.P.(C) 5258/2017 & CM 22314/2017**

BANI ARORA

..... Petitioner

Through : Ms. Pratiti Rungta, Advocate

versus

HDFC BANK LTD

..... Respondent

Through : Mr. Gurmeet Bindra, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **24.07.2017**

1. The petitioner is aggrieved by the order dated 6.5.2017 passed by the Debts Recovery Tribunal-I, Delhi (in short '**the DRT**') in SA No.110/2013 whereunder, the said SA was dismissed in view of non-deposit of Rs.20.00 lacs by her with the respondent/Bank in terms of the conditional order passed on 23.4.2014.
2. On the last date of hearing, learned counsel for the petitioner had submitted that she had to approach this Court directly for relief as the Presiding Officer, Debts Recovery Appellate Tribunal (in short '**the DRAT**') was on leave. It was stated on behalf of the petitioner that to show her *bonafides*, she would be willing to deposit a sum of Rs.20.00 lacs with the respondent/Bank within six weeks and on doing so, the respondent/Bank be directed not to take any coercive steps against the petitioner.
3. In view of the submission made by counsel for the petitioner that the Presiding Officer of the DRAT was on leave and at that point in time, there was no other legal remedy available to the petitioner but to approach this Court, it was directed that subject to depositing a sum of Rs.20.00 lacs with the respondent/Bank within six weeks, no coercive steps would be taken

against the petitioner. However, the said amount has not been deposited.

4. Counsel for the petitioner states that the period of six weeks was to expire on 21.7.2017 and she has brought in Court, a cheque for Rs.20.00 lacs issued by a third party in favour of the respondent/Bank.

5. Counsel for the respondent/Bank states that the DRAT is now functional and if the petitioner is aggrieved by the order passed by the DRT, she can file an appeal before the DRAT as per law.

6. The order passed by the Vacation Bench on 9.6.2017 was purely proteam in nature with the idea of granting some interim protection to the petitioner. Now that the DRAT is functional, it is for the petitioner to approach the said forum for assailing the order dated 6.5.2017 passed by the DRT, in accordance with law.

7. Counsel for the petitioner states that she shall be taking necessary steps in this regard within one week in this regard.

8. In view of the above, it is directed that the respondent/Bank shall not take any coercive steps against the petitioner till 1.8.2017.

9. The petition is disposed of, along with the pending application.

HIMA KOHLI, J

DEEPA SHARMA, J

JULY 24, 2017

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