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

+ **W.P.(C) 6615/2017 & CMs 27428-29/2017**

M/S A H WHEELER PVT LTD AND ORS Petitioners
Through : Mr. Anil Airi, Sr. Advocate with
Mr. S.P. Mehta, Advocate

versus

BANK OF BARODA AND ORS Respondents
Through : Mr. Arun Aggarwal, Advocate for R-1
with Mr. Prashant Awasthi, Bank Officer

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **03.08.2017**

1. The petitioners (defendants No.3 and 5 before the DRT in OA No.77/2004 and appellants before the DRAT) have filed the present petition being aggrieved by an order dated 6.7.2017, passed by the learned DRAT in an appeal filed by them against the order dated 13.5.2015 of the DRT-II on an application filed by the respondent No.2 herein.

2. This is the second petition filed by the petitioners against the orders passed by the DRAT in the pending appeal. Earlier hereto, the petitioners had filed WP(C)No.5509/2017 being aggrieved by an order dated 29.5.2017 passed by the DRAT directing them to deposit a sum of Rs.1.38 crores with the Tribunal as a pre-condition to hear their appeal. The review application filed by the petitioners for seeking review of the aforesaid order, was also rejected by the DRAT on 28.6.2017. Vide order dated 5.7.2017 passed in the

captioned petition, we had expressed our disinclination to interfere in the impugned order.

3. Subsequently, when the petitioners had appeared before the DRAT on the very next date, i.e., on 6.7.2017 and stated that they had not deposited the sum of Rs.1.38 crores as ordered earlier, all the Directors of the petitioner No.1 company have been directed to appear in person on the next date of hearing, i.e., 4.8.2017, to show cause as to why they be not proceeded against for having disobeyed the directions of the Tribunal. Aggrieved by the said order, the present petition has been filed.

4. Mr. Airi, learned Senior Advocate appearing for the petitioners states the petitioner No.3 (Mr. Sudhir Banerjee) is the Managing Director of the petitioner No.1 company, petitioner No.2 (Mr. Alok Banerjee) is a Director and so is Mr. Arunjeet Banerjee, the deponent of the affidavit enclosed with the present petition. He states that as on date, there are only the above three Directors in the petitioner No.1 company. All of them are permanent residents of Allahabad, Uttar Pradesh and no useful purpose would be served if all of them are called upon to travel to Delhi to attend the hearing before the DRAT. He however assures us that one of the Directors, namely, Mr. Arunjeet Banerjee shall appear before the DRAT tomorrow.

5. It is directed that Mr. Arunjeet Banerjee shall come armed with a letter of authority issued by the other directors, namely, petitioners No.2 and 3, authorizing him to appear before the DRAT and making a statement on their behalf, which shall bind them.

5. The impugned order dated 6.7.2017 stands modified limited to the aforesaid directions. The DRAT is requested to hear the parties and thereafter pass an order on the appeal and the pending applications in

accordance with law.

6. The writ petition is disposed of, along with the pending applications.
Dasti to the parties, under the signatures of the Court Master.

HIMA KOHLI, J

DEEPA SHARMA, J

AUGUST 03, 2017

sk/ap