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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12229/2016 & CM No.48278/2016

GOPAL MISHRA

..... Petitioner

Through : Mr.B.K.Pandey, Adv.

versus

M/S. PHOENIX ARC PVT. LTD.

..... Respondent

Through : Mr.Sundeeep Srivastava and
Mr.Partha Mehrotra, Advs.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **03.03.2017**

1. In this writ petition the petitioner has challenged an order dated 17th October, 2016 passed by the Debts Recovery Appellate Tribunal, Delhi rejecting the appeal of the petitioner against an order of the Debt Recovery Tribunal for non-compliance by the petitioner of the mandatory provision of Section 21 of the Recovery of Debts due to Banks and Financial Institutions Act, 1993, which requires the appellant borrower to make a pre-deposit.

2. An appeal is not to be entertained unless at least 25% of the amount as claimed by the bank or the amount adjudicated by the Debt Recovery Tribunal, whichever is less, is deposited by the appellant. Counsel appearing on behalf of the petitioner submits that the appellant is willing to deposit 25% of the amount adjudicated by the

Tribunal.

3. The impugned order is set aside. Subject to the condition that the petitioner deposits 25% of the amount of debt determined by the Debt Recovery Tribunal within a fortnight from date, the appeal of the petitioner before the Debts Recovery Appellate Tribunal shall stand restored.

4. The writ petition is disposed of.

INDIRA BANERJEE, J

YOGESH KHANNA, J

MARCH 03, 2017

VLD