

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7211 OF 2016

Goldie Sud  
V/S

....Petitioner

Punjab National Bank & Ors.

....Respondents

Ms. Deepa Pohuja a/w Ms. Srividya Venkat, Ms. Sheetal Raghaini I/b M/s. J Law Associates for the Petitioner.

Mr. Jinal Gogri a/w Mr. Vikrant Makhare I/b Negandhi Shah and Himayatullah for Respondent No.1.

**CORAM : A.A. SAYED &  
V.L. ACHLIYA, JJ.**

**DATE : 03 JULY 2018.**

**ORDER:**

1 The Petitioner has filed this Petition under Articles 226 and 227 of the Constitution seeking the following reliefs:

- "A. Direct the Respondent No.1 to refund Rs.1,48,00,000/- plus Rs.2,28,25,000/- totally to Rs.3,76,25,000/- (Rupees Three Crore Seventy Six Lac Twenty Five Thousand Only) along with interest to the Petitioner after deducting liquidated damages;*
- B. Interest be applied and paid to the Petitioner on Rs.1,48,00,000/- from date of Appropriation, i.e. 14/10/2010 at the rate of 18% Per Annum till the date of the actual payment of such amount;*
- C. Interest be applied and paid to the Petitioner on Rs.2,28,25,000/- from date of Appropriation, i.e. 14/10/2010, at the rate of 18% Per Annum till the date of the actual payment of such amount;"*

2 In view of the judgment of the Supreme Court in **Agarwal Tracom Private Limited vs. Punjab National Bank & Ors., (2018) 1 SCC 626**, the Petitioner has an alternate remedy before the DRT. In the circumstances, we are not inclined to entertain the Petition. The judgment of the Full Bench of the **Allahabad High Court (Lucknow Bench) in the case of N.C.M.L. Industries and Ors. vs. Debt Recovery Tribunal, Lucknow and Ors., MANU/UP/0754/2018** cited by the learned Counsel for the Petitioner would have no application to the facts of the present case.

3 In the circumstances, the Petition is dismissed with liberty to the Petitioner to invoke the alternate remedy.

4 It is made clear that the pendency of this Writ Petition before this Court would be considered by the DRT in considering the delay in filing the fresh proceedings. We also make it clear that the withdrawal of the Miscellaneous Application seeking refund which was filed by the Petitioner before DRT would not come in the way of the Petitioner in filing the fresh proceedings in DRT.

(V.L. ACHLIYA, J.)

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(A.A. SAYED, J.)

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