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

+ W.P.(C) 189/2018, CM APPL. 775/2018, CM APPL. 776/2018

JAGDISH PRAKASH AND ANR.

..... Petitioners

Through: Mr A.S. Chandhiok and Mr Jayant Mehta,
Sr. Advocates along with Ms Shweta and Ms Udit
Singh, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms Monika Arora, CGSC for UOI
Mr Punit K. Bhalla and Mr Rachit, Advs for ICICI
(R-2)

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **09.01.2018**

The principal thrust of present petition is that in terms of Section 63 of Insolvency and Bankruptcy Code, 2016, the learned DRT did not have jurisdiction to entertain the original application instituted on behalf of ICICI Bank. In other words, it is urged that in view of the mandate of the Insolvency and Bankruptcy Code, 2016 and the pendency of the Resolution process before the learned NCLT, the subject matter jurisdiction of the DRT is ousted.

It is, however, observed that the order dated 16.10.2017 passed by the learned DRT-I, New Delhi in OA No. 649/2017, has been rendered *ex parte* at the stage of issuance of notice and the petitioners would be entitled to raise the question of jurisdiction before the said DRT in response to the said notice.

In view of the foregoing, Mr Chandhiok, learned Senior Counsel,

appearing on behalf of the petitioners, on instructions, seeks leave to withdraw this petition at this stage, with liberty to raise all legal issues as have been raised in the present petition before the learned DRT in the first instance.

Liberty granted.

The petition is disposed off accordingly.

Needless to state that, the petitioners are at liberty to avail all legal remedies as may be available to them, in accordance with law.

SIDDHARTH MRIDUL, J

DEEPA SHARMA, J

JANUARY 09, 2018

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