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

+ W.P.(C) 1480/2018

MAHESH & CO. PTE LTD. Petitioner
Through : Mr. Pradeep Jain and
Mr. Shubhankar Jha, Advs.

versus

COMMISSIONER OF CUSTOMS NEW CUSTOMS
HOUSE & ANR. ... Respondents
Through : Mr. Harpreet Singh, Sr.
Standing Counsel with Mr.
Suresh Chaudhary, Adv. for
R-1.
Mr. Judy James, Sr.
Standing Counsel for R-
2/DRI.
Mr. Harish Kohli and Mr.
Bheem Sain Jain, Advs. for
R-3.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **28.08.2018**

During the hearing, it is pointed out that the Debt Recovery Tribunal (DRT) had in the proceeding initiated by the present petitioner (which had sought and was granted impleadment before it) claimed that it was a true owner of the goods and that on account of such title, the goods had to be released to it. The DRT

by its order dated 22.05.2013, in I.A.No.1069/2010 rejected the petitioner's request. This order was appealed before the Debt Recovery Appellate Tribunal (DRAT) being Appeal No.294/2013. The DRAT rejected the appeal. Apparently, in yet another appeal filed by the petitioner, the DRAT observed that it was open to the petitioner to approach the Debt Recovery Officer under Section 30 of the Recovery of Debts Due to Banks and the Financial Institutions Act, 1993.

In these circumstances, learned counsel for the petitioner seeks liberty to avail the aforesaid remedy and also any other remedies available to it.

The writ petitioner's remedies to claim title and consequential orders, are reserved in accordance with law.

This writ petition is disposed of in the above terms.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

AUGUST 28, 2018

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