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

+ W.P.(C) 1638/2018 and C.M. No. 6719/2018

ANJU JAIN AND ANR.

..... Petitioners

Through: Dr. H.P. Sharma, Mr Paras Joshi and
Mr Vikram Seth, Advs.

versus

CENTRAL BANK OF INDIA & ANR.

..... Respondents

Through: Mr A.K. D. Sayare, Mr Sandeep Nagar,
Mr S.N. Gautam, Advs for R-1

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **20.02.2018**

The present petition assails an order dated 16.02.2018 passed by the Recovery Officer-II, Debt Recovery Tribunal-III in TRC No.02/2005; titled as '*Sicom vs. M/s Jaina Cast*'.

The provisions of Section 18 of the Recovery of Debts and Bankruptcy Act, 1993 (hereinafter referred to as "the said Act") bar the jurisdiction of the High Court under Article 226 and 227 of the Constitution of India, except to the extent that they relate to matters specified in Section 17 of the said Act. Further, the provisions of Section 30 of the said Act clearly mandate that any person aggrieved by an order of the Recovery Officer made under this Act is entitled to prefer an appeal to the Debt Recovery Tribunal therefrom, within 30 days from the date on which the said order is issued to him/her.

In view of the foregoing, the present petition, impugning an order

passed by the Recovery Officer-II being in the nature of an appealable order, in terms of the provisions of Section 30 of the said Act and furthermore in view of the legal position that the jurisdiction of this Court under Article 226 and 227 of the Constitution of India is statutorily limited to matters specified in Section 17 of the said Act, we are of the view that the same is not maintainable.

The petition along with the pending application is accordingly dismissed whilst reserving liberty to the petitioners to approach the Debt Recovery Tribunal having jurisdiction, in accordance with law.

Dasti under the signature of Court Master.

SIDDHARTH MRIDUL, J

DEEPA SHARMA, J

FEBRUARY 20, 2018

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