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

+ W.P.(C) 6082/2018

M/S HYDERABAD RING ROAD PROJECT PVT. LTD
AND ORS. Petitioners

Through: Mr. Mayank Wadhwa, Adv.

versus

ICICI BANK AND ANR. Respondents

Through: Mr. Sanjiv Khakra and Mr. Bheem
Sain Jain, Advs.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **31.08.2018**

CM. No. 35532/2018

1. The present application has been filed by the petitioner with the following prayers:-

“It is, therefore, most respectfully prayed that in the interest of justice this Hon’ble High Court may graciously be pleased to:-

- a) Grant extension of time for disposal of O.A. No. 555/2016 titled “ICICI Bank v. Hyderabad Ring Road Projects Pvt. Ltd. & Ors” filed by the Respondent Bank and pending adjudication before Ld. Presiding Officer, DRT-II, Delhi;*
- b) Pass an order for modification and clarification of the order dated 30.05.2018;*

c) Any other order in the interest of justice and fairplay.”

2. The writ petition was disposed of on May 30, 2018 with the following directions:-

“In this view of the matter, having heard learned counsel appearing on behalf of the parties, as above, it is considered just, expedient, necessary and in the interest of justice to direct as follows:-

(a) The petitioners shall comply with the directions for deposit of costs within two days from today;

(b) The petitioners shall file affidavits by way of evidence in support of their case before the learned DRT within 21 days from today, without fail;

(c) The DRT shall thereafter permit the petitioners to lead evidence on this behalf without granting them any unwarranted adjournments;

(d) The DRT shall, after affording a reasonable opportunity to the parties of being heard, dispose of the original proceedings pending adjudication before it, expeditiously and preferably within a period of three months from today;

(e) The appeal instituted on behalf of the petitioners, which is pending adjudication before the learned DRAT stands disposed of, in the above terms.”

3. It is the submission of the learned counsel for the petitioners that the petitioners have filed certain interim applications before the DRT raising

issues, which require due consideration by the learned DRT for proper and just adjudication of the original proceedings before it. Even though, some of the applications have been disposed of, some are still pending consideration. It is also stated that in some applications, arguments have been heard by the learned Presiding Officer and had reserved the matter for orders on those applications to be pronounced on August 18, 2017. On August 18, 2018 the orders could not be pronounced and the applications were adjourned to August 23, 2018. In the meantime, on August 21, 2018 the learned Presiding Officer got superannuated and the charge of DRT-I has been handed over to the learned Presiding Officer of DRT-II.

4. It is stated that in terms of the order passed by this Court on May 30, 2018 the matter has to be decided on or before August 30, 2018, which time has expired, because of which the present application has been filed before this Court seeking modification of order.

5. On the other hand, Mr. Kakra, learned counsel for the petitioner would submit that the present application is nothing but an abuse of the process of law. According to him, after order dated May 30, 2018 the petitioners have filed fifteen applications before the DRT, which includes applications under Order 7 Rule 11 CPC and Order 6 Rule 17 CPC for

amendment. He states, even though some of the applications have been dismissed but some are still pending. The intent of the petitioners to file the applications is only to delay the proceedings.

6. Having heard the learned counsel for the parties, noting the details of applications filed by the petitioners, as given by Mr. Kakra, we find out of fifteen applications filed by the petitioners, seven applications have been dismissed and rest of the applications have been reserved for orders and listed today before the DRT. Noting the fact that these applications came to be filed only on July 16, 2018 and July 23, 2018, it is apparent that the applications have been filed only to delay the proceedings before the DRT.

7. We do not find any merit in the application. The same is dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

AUGUST 31, 2018*/ak*