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

\+ W.P.(C) 7561/2018 & CAV 654/2018, CM Nos. 28894-28895/2018
CM APPL. 29942/2018

GULSHAN KUMAR ..... Petitioner

Through: Mr. Vinish Mittal, Advocate

versus

INDIAN OVERSEAS BANK AND ORS. ..... Respondents

Through: Mr. Gautam Singhal, Mr. Naveen Kumar & Mr. Rajat Choudhary, Advocates for respondent No.1
Mr. Karan Grover, Advocate for respondent Nos.2 to 4

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE CHANDER SHEKHAR

O R D E R

% 27.07.2018

Gulshan Kumar is present in Court and his statement has been recorded on oath.

In view of the fact that the Receiver has taken over possession of the property, which the petitioner claims was under his tenancy, learned counsel for the respondents state that they would have no objection in case the appeal preferred by the appellant before the Debt Recovery Appellate Tribunal (DRAT) is heard, without the pre-condition to deposit Rs.5,00,00,000/-. This statement by learned counsel for the respondents is without prejudice to their other rights and contentions, including the contention that the petitioner is not a

tenant.

The respondents would be bound by their statement and, therefore, the appeal preferred by the petitioner before the DRAT would not be dismissed on the ground of failure to pay Rs.5,00,00,000/-.

Learned counsel for the petitioner states that he would be filing an application for appointment of a local commissioner before the DRAT and, therefore, he would not press CM No.29942/2018.

In view of the aforesaid position and statement made, the writ petition is disposed of. Caveat and all the pending applications are also disposed of. We clarify that we have not commented on merits.

Dasti under signature of the Court Master.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

JULY 27, 2018
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