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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7120/2017
HI-POINT INVESTMENT AND FINANCE PVT. LTD. & ORS
..... Petitioners

Through: Mr. Nitish K. Sharma, Advocate.

versus

IFCI VENTURE CAPITAL FUNDS LTD. Respondent
Through: None.

W.P.(C) 7123/2017
ERA HOUSING DEVELOPERS (INDIA) LTD. & ANR . Petitioners
Through: Mr. Nitish K. Sharma, Advocate.

versus

IFCI LTD. Respondent
Through: Mr. Sumit Pargal and Mr. Shivankur
Shukla, Advocates.

W.P.(C) 7125/2017
HI-POINT INVESTMENT AND FINANCE PVT. LTD. & ANR
..... Petitioners
Through: Mr. Nitish K. Sharma, Advocate.

versus

IFCI LTD. Respondent
Through: Mr. Sumit Pargal and Mr. Shivankur
Shukla, Advocates.

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

ORDER
12.07.2018

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M/s High Point Investment and Finance Private Limited and Era Housing Developers (India) Limited have filed the present writ petitions impugning the orders passed by the Recovery Officer, Debt Recovery Tribunal-1, Delhi, dated 6th April, 2017, 4th July, 2017 and 8th January, 2017, in Recovery Certificate Nos. 238/2015, 368/2016 and 276/2016.

2. It is an accepted and admitted position that the aforesaid orders can be challenged by way of appeal before the Debt Recovery Appellate Tribunal under Section 20 of the Recovery of Debts Due to Banks and Bankruptcy Act, 1993.

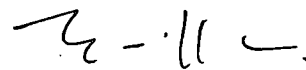
3. Only ground and reason given by the petitioner for not taking re-course to the appellate remedy is that the appellate remedy is improper and also burdensome. The aforesaid explanation has not been further elaborated and explained by the petitioners.

4. Counsel for the petitioners, in fact, urges that Section 30 read with Section 30A of the Recovery of Debts Due to Banks and Bankruptcy Act, 1993 would not apply to appeals, if preferred, as the provisions are not retrospective. We make no comments on the said submission, but keeping in view the statement made and efficacious statutory right of appeal, we are not inclined to bypass and ignore the same.

5. Recording the aforesaid, we dismiss the present writ petitions, but clarify that we have not made any comments on merits. Petitioners may take recourse to right to statutory appeal.

No Costs.

Dasti.



SANJIV KHANNA, J.


CHANDAR SHEKHAR, J.

JULY 12, 2018/MR

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