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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12674/2018, CM No. 49264/2018**
M/S PREMIUM MOULDING AND PRESSION PVT. LTD.

..... Petitioner

Through: Mr. Sanjiv Bahl, Mr. Eklavya Bahl
and Ms. Apoorva Bahl, Advs.

versus

STANDARD CHARTERED BANK AND ORS. Respondent

Through: Mr. Sanjeev Sagar, SC for SCB with
Ms. Nazia Parveen, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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27.11.2018

CM No. 49264/2018

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 12674/2018

1. This petition has been filed by the petitioner with the following prayers:-

“It is, therefore, most respectfully prayed that this Hon’ble Court may kindly be pleased to:-

a) issue an appropriate writ, order or direction in the nature of mandamus, certiorari or any other writ thereby setting aside / modifying the impugned order dated 01.04.2017 so passed in M.A. No. 27/2016 in S.A. No. 29/2013 in the matter title as “Standard Chartered Bank v. M/s Premium Moulding & Pressing Pvt. Ltd. & Ors.” and / or directing the respondent No.1 to release / return the original title deeds of the immovable

property i.e Property bearing No. 185, Udyog Vihar, Phase I, Gurgaon-122001 and to the petitioner alongwith letter of redemption of the mortgaged property, no dues certificate in the loan account and certificate of no charge over the assets of the petitioner;

b) issue an appropriate writ, order or direction in the nature of mandamus, certiorari or any other writ thereby quashing the demand of Rs.6,78,80,310.28 (Rupees Six Crore Seventy Eight Lakh Eighty Thousand Three Hundred and Ten and Paise Twenty Eight only) so raised by the respondent No.1 and holding that the order dated 6.10.2015 so passed by the Hon'ble DRT-I, New Delhi stands complied with;

c) pass such other or further orders as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.'

2. Mr. Sanjeev Sagar, learned counsel appearing for the respondent No.1 has raised an objection on the maintainability of the petition in view of the remedy of appeal available to the petitioner. Mr. Bahl, learned counsel for the petitioner submits that in the impugned order dated April 01, 2017, the learned DRT has not given any finding on the MA No. 27/2016 filed by the petitioner. He states that he shall withdraw the writ petition, if a liberty is granted to the petitioner to approach the DRT, with a further direction that DRT shall pass a reasoned order on his MA.

3. The fact that the DRT has not given any finding on MA No. 27/2016 is conceded by Mr. Sanjeev Sagar. Therefore, without going into the issue

on the maintainability of the writ petition and keeping the said question open, in view of the submission made by Mr. Bahl that he shall approach the DRT with an application, for hearing the M.A. 27/2016 with a further direction to pass a reasoned order on MA No. 27/2016, this Court disposes of the writ petition, granting liberty to the petitioner to file an application before the DRT for hearing of the MA No. 27/2016. If such an application is filed, a reasoned order shall be passed by the DRT. The writ petition is disposed of.

Dasti.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 27, 2018/ak