

Neutral Citation Number:2022/DHC/004606

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

% **Date of decision: October 28, 2022**

+ LPA 679/2018

IDBI BANK LTD Appellant
Through: Mr.Ankur Mittal & Mr.Yash Kapoor
& Ms.Swarna Shukla, Advs.
Versus

SUJIT DAS GUPTA Respondents
Through: Ms.Anannya Ghosh, Adv.

+ LPA 681/2018

IDBI BANK LTD Appellant
Through: Mr.Ankur Mittal & Mr.Yash Kapoor
& Ms.Swarna Shukla, Advs.
Versus

DINESH BAHADUR SINGH & ANR. Respondents
Through: Ms.Anannya Ghosh, Adv.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE V. KAMESWAR RAO

J U D G M E N T (oral)

REVIEW PET. 130/2021 & CM APPL. 28580/2021 (for delay) in LPA 679/2018

REVIEW PET. 129/2021 & CM APPL. 28313/2021 (for delay) in LPA 681/2018

1. These review petitions have been filed by the petitioner Bank seeking review and recall of judgment dated December 7, 2018 passed by this Court

LPA 679/2018 & 681/2018

Page 1 of 3

in LPA 679/2018 and LPA 681/2018 whereby this Court had dismissed the appeals filed by the appellant Bank, thereby upholding the judgment of the learned Single Judge, who by relying upon the judgment of the Division Bench of this Court in the case of ***Punjab National Bank v. Kingfisher Airlines Limited, LPA 589/2014***, decided on December 17, 2015 allowed the respondents herein to be accompanied and assisted by an Advocate before the concerned Committee of the Bank.

2. These review petitions have been filed on the ground that the judgment of the Division Bench of this Court in ***Punjab National Bank v. Kingfisher Airlines Limited, LPA 589/2014*** has been overruled by the Supreme Court in the case of ***State Bank of India v. M/s Jah Developers Pvt. Ltd., (2019) 6 SCC 787*** wherein in paragraph 24, the Supreme Court has held as under:

“24. Given the above conspectus of case law, we are of the view that there is no right to be represented by a lawyer in the in-house proceedings contained in paragraph 3 of the Revised Circular dated 01.07.2015, as it is clear that the events of wilful default as mentioned in paragraph 2.1.3 would only relate to the individual facts of each case…….”

3. Mr. Mittal would submit that in view of the judgment of the Supreme Court, there is no requirement to allow representation by a lawyer before the Wilful Defaulter Committee. Thus, the judgment of this Court in the appeals needs to be reviewed.

4. Notice, Ms. Anannya Ghosh, learned counsel appearing for the respondents accepts notice and submits that the respondents shall avail the personal hearing as per the judgment dated May 8, 2019 of the Supreme Court and the review petitioner shall grant personal hearing, but the

Neutral Citation Number:2022/DHC/004606

respondents shall not insist upon the assistance of an Advocate at the time of hearing. In other words, the counsel for the respondents assures that the respondents shall not insist for hearing with an Advocate.

5. The present review petitions have been filed with the applications seeking condonation of delay of 903 days in filing the review petitions in appeals being LPA 679/2018 and LPA 681/2018, against the judgment titled *IDBI Bank Ltd. v. Sujit Das Gupta* and *IDBI Bank Ltd. v. Dinesh Bahadur Singh & Anr.* We find, proper reasoning / explanation has not been given in the applications seeking condonation of delay and also the learned counsel for the respondents has opposed the applications. However, in the interest of justice, and also considering the fact that the learned counsel for the respondents has stated that the respondents shall not insist upon the assistance of an Advocate, at the time of hearing, which submission is taken on record, the review petitions and the applications seeking condonation of delay are required to be allowed. The delay in filing the appeals is condoned. The applications and the review petitions are disposed of.

(SURESH KUMAR KAIT)
JUDGE

(V. KAMESWAR RAO)
JUDGE

OCTOBER 28, 2022/aky

LPA 679/2018 & 681/2018

Page 3 of 3