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

+ W.P.(C) 11476/2017

PRAVIN KUMAR AGGARWAL

..... Petitioner

sThrough Ms. Gurkamal Hora Arora and Ms.
Ankita Gupta, Advocates

versus

ORIENTAL BANK OF COMMERCE AND ORS. Respondents
Through Mr. H.P. Bhardwaj, Advocate for R-1

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **19.04.2018**

The present writ petition assails the orders dated 31.08.2016 and 01.12.2016 in appeal No. 17/2016 pending adjudication before the learned DRAT, titled as '*Pravin Kumar Aggarwal vs. Oriental Bank of Commerce & Ors.*'.

The learned Debt Recovery Appellate Tribunal (for short 'DRAT') vide order 31.08.2016 directed that the appeal instituted on behalf of the writ petitioner be entertained, subject to deposit of 25% of the amount of debt as determined by the learned Debt Recovery Tribunal (for short 'DRT') by the order impugned in the said appeal.

Subsequent thereto, the learned DRAT dismissed the said appeal vide order dated 01.12.2016, in view of the circumstance that the writ petitioner failed to comply with the said order dated 31.08.2016 directing deposit of 25% of the amount of debt as determined by the learned DRT within the time granted.

A perusal of the said orders clearly reflects that appeal No.17/2016 has not been adjudicated on its merits and has only been dismissed in default on account of failure on the part of the writ petitioner to comply with the said order dated 31.08.2016 by not depositing 25% of the amount of debt, determined by the learned DRT, as a condition for hearing the said appeal.

Learned counsel appearing on behalf of the writ petitioner states that they are now willing to comply with the directions contained in the order dated 31.8.2016 and deposit 25% of the amount of debt, determined by the learned DRT, within a period of six weeks from today, as a condition for hearing the appeal.

It is therefore prayed that subject to the writ petitioner depositing 25% of the amount of debt, determined by the learned DRT, within the period of six weeks from today, the learned DRAT may be directed to dispose of the appeal No.17/2016 on its merits, in accordance with law.

Having heard learned counsel appearing on behalf of the parties and in view of the circumstance that the appeal instituted on behalf of the writ petitioner has not been adjudicated on its merits, in

accordance with law, it is considered appropriate to direct as follows:-

Subject to the petitioner depositing 25% of the amount of debt, determined by the learned DRT vide its final order dated 11.08.2014, within a period of six weeks from today, the Appeal No.17/2016 stands restored. The learned DRAT shall thereafter proceed to determine the said appeal, on its merits, in accordance with law.

With the above directions, the writ petition stands disposed of.

A copy of this order be sent to the learned DRAT for necessary information and compliance.

A copy of this order be given *dasti* to counsel for the parties.

SIDDHARTH MRIDUL, J

VINOD GOEL, J

APRIL 19, 2018
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