

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
&
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.38767 of 2018

ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The petitioner came up with the above writ petition challenging a conditional order passed by the DRT.

2. Heard Mr. T.S. Anand, learned counsel for the petitioner and Smt. Kalpana Ekbote, learned standing counsel for the second first respondent.

3. On 27.12.2018, we passed an interim order to the following effect:

“Heard the learned counsel for the petitioner and the learned counsel for the Bank.

The writ petition arises out of a conditional order passed by the Debts Recovery Tribunal. The compliance with the first condition may require the petitioner to pay approximately around Rs.25 to 30 lakhs. All that can be done is to grant time to the petitioner. Therefore, there will be an interim direction not to take physical possession of the secured asset on condition that the petitioner deposits with the Bank at least 25 lakhs on or before 21.01.2019. If the petitioner fails, the possession can be taken.

Post for reporting compliance on 22.01.2019.”

4. But till date, the aforesaid conditional order has not been complied with. Therefore, we see no reason to keep the writ petition pending. As a matter of fact, the conditional order passed by the tribunal was dated 11.10.2018 under which the petitioner was obliged to pay two instalments. Even the first instalment could not be paid up till date despite the availability of more than about four months from

the date of the order of the tribunal. Therefore, the writ petition is dismissed.

Consequently, pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

Dr. SHAMEEM AKTHER, J

February 20, 2019
DSK

