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

+ **W.P.(C) 13126/2019 & C.M. APPL. 53496/2019**

M/S. ATLANTA LTD. AND ORS.

..... Petitioners

Through Mr. Balbir Singh, Sr. Advocate with
Mr. Hemant Chaudhri, Mr. Piyush
Arora, Mr. Gaurav Soni, Mr. Shyam
gopal and Mr. Prahlad Singh,
Advocates

versus

STATE BANK OF INDIA AND ORS.

..... Respondents

Through Mr. Rajiv Kapur and Mr. Akshit
Kapur, Advocates for R-1
Ms. Ekta Choudhary, Advocate for R-
1 to 3
Mr. O. P. Gaggar and Mr. Sachindra
Karu, Advocates

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER
% **13.12.2019**

C.M. APPL. 53497/2019 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 13126/2019

2. Notice. Learned counsel accepts notice on behalf of the Respondents.

3. Since the point involved in this petition is short, the Court proceeds to dispose of the petition finally with the consent of parties.

4. The relevant facts for the purposes of the present petition is the the Respondent banks filed an O.A. No. 567/2019 before the DRT-I, New Delhi against the Petitioners seeking recovery of around Rs. 201 crores under Section 19 (1) of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (RDDBFI Act).

5. A preliminary issue arose concerning the jurisdiction of the DRT-I, New Delhi to entertain the OA in light of the plea of the present Petitioners that all material events concerning the O.A. took place in Mumbai. By its order dated 3rd June, 2019, while noting the contentions of the parties at some length, the DRT-I, in one short paragraph, i.e. paragraph 8, observed that since the documents had been executed at Hotel Red Fox, Delhi Airport, Asset No. 16, Aerocity Hospitality District, IGI Airport, New Delhi, there was no merit in the objection raised by the present Petitioners.

6. The contentions noted prior to paragraph 8 claiming that all transactions in relation to the dispute took place in Bombay, and there was also litigation pending between the parties filed in Bombay were not actually dealt by the DRT-I. Likewise, the submissions of the Respondents herein in response to the averments of the Petitioners concerning jurisdiction, although noted in the order of the DRT-I, have not been dealt with by it.

7. The impugned order dated 18th November, 2019 of the DRAT dismissing the appeal filed by the present Petitioners also does not actually discuss the issue concerning the jurisdiction of the DRT-I to entertain the aforementioned OA.

8. In that view of the matter, this Court is of the view that the parties should be relegated to the DRT-I for a fresh decision by the DRT-I first on the question of its jurisdiction to entertain the OA filed by the Respondent banks under Section 19 (1) of the RDDBFI Act taking into account the submissions made by the parties. All contentions of the parties including the contention of the Respondents that the Petitioners have themselves filed a commercial suit in this High Court in which orders have been passed by a learned Single Judge and the Division Bench are permitted to be urged before the DRT-I, which will then deal with them and decide the issue independent of its earlier order dated 3rd June, 2019 and the order dated 18th November 2019 of the DRAT.

9. The impugned order dated 3rd June, 2019 of the DRT-I and the impugned order of 18th November, 2019 passed by the DRAT are accordingly set aside.

10. Mr. Balbir Singh, learned Senior counsel for the Petitioners, undertakes that till such time that a fresh order is passed by the DRT-I in O.A. No. 567/2019, the Petitioner will maintain status quo in relation to the subject property, i.e. Atlanta Enclave Project, Survey No. 67, Hissa No. 2A to 3B/A,

Village Sheel, Near Datta Mandir, Kalyan Shil Phata Road, Mumbai Panvel Road, Mumbai (F) Thane – 400612. The said undertaking is placed on record.

11. The matter will now proceed before the DRT on the next date fixed before it, i.e. 6th January, 2020.

12. The petition and the pending application are disposed of in the above terms.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 13, 2019
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