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

+ **W.P.(C) 11598/2019**

SHYAM SUNDAR BATRA

..... Petitioner

Through: Mr.Mohit Kumar Gupta, Advocate.

versus

PUNJAB & SIND BANK THROUGH: CHAIRMAN &
MANAGING DIRECTOR & ORS

..... Respondents

Through: None.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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06.11.2019

CM APPL. 47685/2019 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 11598/2019

2. The Petitioner has challenged an order dated 30th May, 2019 passed by the Debt Recovery Appellate Tribunal New Delhi in dismissing Misc. Appeal No. 264 of 2019, filed by the present Petitioner. The order is self explanatory and reads as under:

“This is an appeal against the final order Passed by the Ld. DRT in respondent bank's O.A wherein a recovery certificate of Rs.3,43,48,768.75 with interest had been prayed for against the defendants including the appellant herein sued as guarantor.

For the entertainment of this appeal, the appellant is required to make a pre -deposit of 50% of the amount adjudicated to be recoverable from the appellant -CD. Of Course, there is a discretion given to the Appellant Tribunal to reduce the amount

of pre-deposit to 25 % for the reasons to be recorded in writing.

Counsel for the appellant submits that he is very much aware of this provision of law but the appellant is not in position to make pre - deposit of even 5% ,what to say of 25%. In these circumstances, this Tribunal is left no alternative but to reject the appeal at the threshold as not entertainable. It is dismissed accordingly.”

3. Even today learned counsel for the Petitioner states that the Petitioner is not in a position to deposit even 5% leave alone 25% of the amount found due. Section 21 of the Recovery of Debts due to Bank and Financial Institution Act does not give any discretion to DRAT to waive totally the making of the pre-deposit.

4. There is no merit in the writ petition. It is, therefore, dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 06, 2019

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