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

+ **W.P.(C) 520/2019**

INDRAPASTHA TELEVISION NETWORK Petitioner

Through: Mr. Lov Kumar Gupta with
Mr. Karan Valecha, Advs.

versus

CORPORATION BANK Respondent

Through: Mr. Samarendra Kumar, Adv. with
Mr. Ajay Bhatia, Chief Manager,
Corporation Bank.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **18.01.2019**

C.M. No.2437/2019(exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 520/2019 with CM Nos.2435 & 2436/2019

Issue notice. Counsel for the respondent accepts notice.

The limited grievance of the petitioner in the present petition is that even though the petitioner had reached a settlement with the respondent/bank and no amounts were due and payable by the petitioner, the respondent/bank did not take the appropriate steps at the relevant time and this led to the initiation of recovery proceedings against the petitioner. The petitioner, therefore, assails the recovery certificate and also claims damages suffered on account of actions(s)/inaction(s)

attributable to the respondent/bank and creating unnecessary hardships for the petitioner.

Counsel for the respondent/bank submits that on account of communication gap, an unforeseen development had taken place. It is only on 17.01.2019, the respondent-Bank had moved an application before the DRT praying for withdrawing of the recovery certificate. The said order dated 17.1.2019 reads as under:-

“Dt. 17.1.2019

*Supplementary List
Item no.2*

Present: Sh. Samrender Kumar counsel for applicant bank.

This MA has been filed on behalf of applicant bank praying therein to withdraw the present recovery certificate as settled.

Ld. Counsel for applicant bank submits that matter has been settled between the parties and applicant bank has received a sum of Rs.42.30 lac (approx.) which is recovered after filing of the OA.

Ld. Counsel for applicant bank informed that final order on this OA has already been passed and RC No.390/2018 has been issued against the defendants. Hence this MA has been filed.

In the light of above and also in terms of Section 26 of the RDDB&FI Act, 1993, this MA is hereby allowed and Recovery Certificate being RC No.390/2018 is hereby dismissed as withdrawn as settled.

File be closed and consigned to record room.

A copy of this order be sent to Ld. Recovery Officer for information and necessary action.”

In view of the aforesaid development, the present petition has become infructuous in respect of prayers (a) and (b). Since, undisputedly, there was lapse on the part of the respondent/bank which led the petitioner to approach this court, we dispose of the petition with costs of Rs.25,000/- payable by the respondent/bank to the petitioner, within four weeks from today.

The petition along with the pending applications stands disposed of.

VIPIN SANGHI, J

A. K. CHAWLA, J

JANUARY 18, 2019
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