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

+ **W.P.(C) 537/2019 AND CM APPL. 2474/2019 (ARISING OUT OF APPL. VIDE DIARY NO. 1911/2018)**

ICICI BANK LIMITED Petitioner

versus

MANVENDRA SINGH Respondent

43

+ **W.P.(C) 599/2019 AND CM APPL. 2727/2019 (ARISING OUT OF OA 1349/2018)**

ICICI BANK LIMITED Petitioner

versus

J. PRASAD AND CO. PVT. LTD. AND ANR. Respondents

34

+ **W.P.(C) 552/2019 AND CM APPL. 2529/2019 (ARISING OUT OF APPL. VIDE DIARY NO. 923/2018)**

ICICI BANK LIMITED Petitioner

versus

JAI BHAGWAN BINDAL AND ANR. Respondents

44

+ **W.P.(C) 606/2019 AND CM APPL. 2835/2019 (ARISING OUT OF APPL. VIDE DIARY NO.1960/2018)**

M/S ICICI BANK LTD. Petitioner

versus

AMIT KUMAR GOYAL Respondent

Present : Mr. Punit K. Bhalla and Ms. Chetna Bhalla, Advs. for the petitioner.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

21.01.2019

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1. The petitioner – ICICI Bank Ltd. has preferred the aforesaid writ

petitions, raising similar grievance.

2. The case of the petitioner is that for the defaults committed by the respective respondents - borrowers, the petitioner had preferred Original Applications before the Debt Recovery Tribunal (Tribunal) for recovery of loans from the respective respondents - borrowers. The amount outstanding in each of these cases was in excess of Rs.10 Lakhs. However, in OAs relating to WP(C) 537/2019 and WP(C) 599/2019, the Tribunal has simply adjourned the proceedings, and the OAs filed – which are subject matter of WP(C) 552/2019 and WP(C) 606/2019, have not been listed before the Tribunal, on account of the Ministry of Finance (Department of Financial Services) notification dated 06.09.2018, whereby, the pecuniary jurisdiction of the Tribunal is purportedly raised to Rs.20 Lakhs and above.

3. Learned counsel for the petitioner contends out that the said notification is ultra vires Section 1 (4) of the Recovery of Debt due to Banks and Financial Institutions Act, 1993 inasmuch as, the power vested in the Central Government to issue such notification under the said section lies only for lowering the said limit of Rs.10 lakhs to upto Rs.1 Lakh. According to the learned counsel for the petitioner, Section 1(4) of the Act vests no power in the Central Government to raise the pecuniary jurisdiction of the Tribunal beyond Rs.20 Lakhs by way of a notification. If the same has to be done, the said Act should have been amended by the Parliament. Learned counsel for the petitioner submits that the same issue has been raised before the High Court of Judicature for Rajasthan Bench at Jaipur in ***Kirti Kapoor & Ors. vs. Union of India***, Civil Writ Petition No. 21860/2018, wherein, on 26.09.2018, the said High Court stayed the operation of the notification dated 06.09.2018. Learned Counsel further

submits that despite the said order being in operation, the Tribunal is not following it, and has not entertained and acted upon the OA preferred by the creditor bank/financial institution in respect of outstanding amounts, where the amount claimed is above Rs.10 Lakhs, but, below Rs.20 Lakhs.

4. We find merit in the aforesaid submission of the petitioner. Prima facie, it appears to us that the notification dated 06.09.2018 issued by the Central government exceeds its powers under Section 1(4) of the Act. Having regard to the aforesaid submission, we direct the Tribunal to proceed further in the matter, since the operation of the notification dated 06.09.2018 had been stayed by the order dated 26.09.2018 passed by the High Court Judicature for Rajasthan Bench at Jaipur in Civil Writ Petition No. 21860/2018. The Tribunal is therefore, directed to proceed with and hear all such original applications also, wherein, the amounts is in excess of Rs.10 Lakhs and below Rs.20 Lakhs, subject to final orders that may be passed in Civil Writ Petition No. 21860/2018 by the High Court of Judicature for Rajasathan Bench at Jaipur.

5. Accordingly, we direct that the OAs and the applications filed by the petitioner be listed before the Tribunal on 28.01.2019. The Tribunal shall deal with them on merit.

6. The writ petitions stand disposed of in the above terms.

7. *Dasti.*

VIPIN SANGHI, J

A. K. CHAWLA, J

JANUARY 21, 2019/rc