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

+ W.P.(C) 2352/2019 AND CM APPL. 11001/2019

ALCHEMIST ASSET RECONSTRUCTION COMPANY

..... Petitioner

Through Ms. Jayashree S. Dasgupta and
Ms. Saloni Chowdhary, Advs.

versus

PRADEEP AGARWAL AND ORS.

..... Respondents

Through Mr. Rajiv Kapur and Mr. Sourjya
Das, Advs. for R-2.
Mr. Vipin Jai, Adv. for R-2 & R-4.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **08.03.2019**

The grievance of the petitioner is that the petitioner is the assignee of the loan by respondent No.2. Consequently, the petitioner had sought substitution in terms of the assignment agreement dated 28.03.2018, by moving the substitution application on 24.05.2018. The same should have been allowed in the normal course but the same is being kept pending and the arguments are being heard in the appeal by the DRAT without permitting the petitioner to be substituted. Learned counsel submits that SBI i.e. the original appellant has no surviving interest in the subject appeal and it is the rights of the petitioner which could be compromised if the petitioner is not permitted to be substituted in the appeal and heard on merits. *Prima facie* we find merit in the submission.

Issue notice. Learned counsel for the respondent No.2 and 4 accepts

notice.

Let the notice be issued to the other respondents, returnable on 27.03.2019. In the meantime, DRAT shall not dispose of the appeal.

VIPIN SANGHI, J

A. K. CHAWLA, J

MARCH 08, 2019

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