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

+ **W.P.(C) 5050/2019**

**MADHYA PRADESH POWER TRANSMISSION COMPANY
LTD.**

..... Petitioner

Through: Mr.Sakesh Kumar with Ms. Gitanjali
N. Sharma, Advs.

versus

PUNJAB AND SIND BANK

..... Respondent

Through:

**CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER
20.05.2019**

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C.M. No. 22360/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 5050/2019 & C.M. No. 22359/2019

The petitioner assails the order dated 13.03.2019 passed by the learned DRAT in miscellaneous Appeal No. 44/2018, arising from an order passed by the DRT in an appeal.

By the impugned order, the DRAT has directed the petitioner to deposit 50% of the disputed amount i.e. Rs. 7,42,07,137/- before the DRAT

in compliance of the requirement of the Section 21 of the Recovery of Debts and Bankruptcy Act 1993. The DRAT held that that only after the pre deposit is made, the petitioner/ appellant's grievance in the said appeal would be heard.

The matter was adjourned to 15.05.2019 to enable the petitioner to make the pre deposit. Mr. Sakesh Kumar submits that since the pre deposit is not made, the appeal stands rejected on 15.05.2019.

After some arguments, Mr. Sakesh Kumar states that time may be granted by this Court to deposit the said 50% of the disputed amount and the appeal of the petitioner before the DRAT be restored.

In case, the petitioner makes the deposit of 50 % of the aforesaid amount of Rs. 7,42,07,137/- within 4 weeks from today, it shall be open to the petitioner to inform of the said deposit to the learned DRAT and request the DRAT to restore its said appeal. If such a request is made, the DRAT may favourably consider that the petitioner would have made the deposit of 50% of the disputed amount.

To enable the petitioner to comply with this order, the recovery proceedings before the Recovery Officer shall remain suspended for a period of four weeks. In case, the appeal is restored, the Appellate Tribunal may pass further orders on the said application of the petitioner.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

REKHA PALLI, J

MAY 20, 2019/N.Khanna