

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (Lodging) NO.637 OF 2020

Bank of Bahrain and Kuwait B.S.C. ...Petitioner

Versus

HDFC Bank Limited and Anr. ...Respondents

....

Mr. Rajeev K. Panday with Mr. Madhur Rai i/b. M/s. PRS Legal for the Petitioner.

Mr. Gaurav Joshi, Senior Counsel with Ms Sarrah Khambati and Mr. Mohit Parekh i/b. M/s. Wadia Ghandy and Co. for the Respondent No.1.

Mr. R.J. Ghag for the Respondent No.2.

**CORAM : A.A. SAYED AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 9th MARCH, 2020.

P.C.:-

1. By this Petition, the Petitioner challenges the order dated 30/01/2020 passed by the Debt Recovery Appellate Tribunal, Delhi, which reads as under:-

“This matter has been received from DRAT, Mumbai since presently the Central Government has given the additional charge of DRAT, Mumbai to DRAT, Delhi and in view of the urgency expressed before the Registrar, DRAT, Mumbai, the matter has been listed today before this Tribunal.

I have heard the counsel for the parties. I do not find any urgency in the matter for being taken up today particularly when the appeal filed by the Respondent bank is listed before the learned Presiding Officer DRT on 6.2.2020 and the main appeal before the Appellate Tribunal stands fixed for 18.2.2020. However, it is made clear that in case the appellant would feel any kind of urgency for this matter to be taken at an early date, it would always be at liberty to make a request to this Tribunal for early hearing."

2. Our attention is drawn to the order dated 22/11/2019 passed by the Division Bench of this Court wherein directions have been given in paragraph 16 to DRAT to decide Appeal No.2 of 2018 filed by the Petitioner -Bank on merits. Presently, the DRAT is vacant as the Chairperson is on leave. We are told that the Chairperson is to resume only at the end of March, 2020.

3. In the circumstances, we dispose of the Petition by passing the following order:-

(i) In the event, the Chairperson, DRAT is not in a position to decide the Appeal No.2 of 2018 within a period of two months from the date of his resuming office, the Chairperson, DRAT,

shall decide the Interim Application for stay,
filed by the Petitioner, within the said period.

4. The Petition to stand disposed of accordingly.

(SMT. ANUJA PRABHUDESSAI, J.)

(A.A. SAYED, J.)

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