

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

Date of decision: 15.1.2020

**1. CWP No. 8134 of 2019 (O&M)**

M/s Mercedes Benz India Private Limited .. Petitioner

VS

Doha Bank QSC and others .. Respondents

**2. CWP No. 10869 of 2019 (O&M)**

M/s Mercedes Benz India Private Limited .. Petitioner

VS

Doha Bank QSC and others .. Respondents

**Coram: Hon'ble Mr. Justice Rajiv Sharma  
Hon'ble Mr. Justice Harinder Singh Sidhu**

**Present** Mr. Puneet Bali, Senior Advocate with  
Ms. Rabiya Thakur, Advocate, for the petitioner.

Mr. Rajeev Panday, Advocate for  
Mr. Paras Money Goyal, Advocate, for respondent no. 1.

Mr. A. P. S. Sohal, Advocate for  
Mr. Ajay Pal Singh, Advocate, for respondent no. 2.

**Rajiv Sharma, J.**

This order will dispose of the aforesaid two writ petitions as common questions of law and facts are involved therein.

The respondent-bank has instituted an Original Application No. 207 of 2017. It was decided on 25.2.2019. The operative portion of the order reads as under:-

“Applicant bank is entitled to recover Rs. 2,17,51,713.00 with costs, current and future simple interest

@ 13.75% p.a. from defendant no.1 to 3 and defendant no. 1 to 3 are liable jointly & severally to pay this amount to the applicant bank from 12.01.2017 till the realization of the amount.

Applicant bank is entitled to recover Rs. 7,82,24,208.00 with costs, current and future simple interest @ 13.75% p.a. from defendant no. 1 to 5 and defendant no. 1 to 5 are liable jointly & severally to pay this amount to the applicant bank from 12.01.2017 till the realization of the amount.

Accordingly Recovery certificate be issued and parties to appear before ld. Recovery Officer concerned on 29.04.2019.

Copy of this order be given dasti to the applicant bank and be sent to defendant through registered/ speed post and record be consigned.”

The petitioner filed an appeal against the order dated 25.2.2019. The petitioner also submitted an application for waiver of compulsory deposit of the amount under Section 21 of the Recovery of Debts and Bankruptcy Act, 1993 (for short, 'the Act'). The application was rejected by Debts Recovery Appellate Tribunal on 19.3.2019. Thereafter, the petitioner submitted an application for enlargement of the period. This application was also rejected. In fact, the appeal was dismissed on 22.4.2019. Now the matter is before us.

We have gone through the phraseology of Section 21 of the Act. The conditions contained therein are mandatory and imperative.

However, when the matter was heard at considerable length, it was agreed between the parties that in case the petitioner agrees to 25% of the decretal amount as pre-deposit, the matter can be heard on merits.

Consequently, the order dated 25.2.2019 and 19.3.2019 are set aside. The petitioner is permitted to deposit 25% of the decretal amount with the DRAT within a period of two weeks. Thereafter, the appeal will be restored to its original number and the same shall be heard and decided within a period of eight weeks. It shall be open to the petitioner to raise all the pleas which have been taken in the present petition.

The writ petitions stand disposed of.

(Rajiv Sharma)  
Judge

15.1.2020  
vs

(Harinder Singh Sidhu)  
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No