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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 688/2020 and CM APPL. 1931/2020 (stay)

UMA KANT MISHRA AND ORS.

..... Petitioner

Through: Mr. Nikhil Malhotra, Advocate.

versus

BANK OF BARODA

..... Respondent

Through: Mr. Manu Prashar, Mr. Bhupendra Singh Chauhan and Mr. Sarosh Ali Abbas, Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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28.01.2020

1. The short question in the present petition, which is directed against an order dated 11th December, 2019 passed by the Debt Recovery Appellate Tribunal ('DRAT') in MA No.447/2019 filed by the present Petitioners, is whether they should be given a waiver of a 25% pre-deposit amount in order for the appeal filed by them to be entertained by the DRAT?

2. Learned counsel for the Petitioner informs the Court that approximately Rs.50,00,000/- has been found due from the Petitioner, i.e. Rs.36,00,000/-, plus a commercial interest component of around Rs.13,15,300/-, which the

Petitioners are contesting. According to him, out of this amount, approximately Rs.14,50,000/- has been paid by the Petitioners.

3. In the facts and circumstances of the case and having heard learned counsel for the parties, the Court finds it appropriate to set aside the impugned order of the DRAT requiring the Petitioners to pay the balance the 25% balance of the pre-deposit amount. Since the Petitioners have already deposited 25% of the amount due as pre-deposit, their appeal MA No.447/2019 shall now be heard on merits on 23rd March, 2020 i.e. the date fixed by the DRAT.

4. The petition and the application are disposed of in the above terms.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 28, 2020

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