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

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+ **W.P.(C) 759/2020**

ESHA GUPTA AND ANR.

..... Petitioners

Through: Mr. Ashish Virmani, Advocate.

versus

PUNJAB NATIONAL BANK AND ANR.

..... Respondents

Through: Mr. Saurav Bhasin, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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21.01.2020

CM APPL. 2302/2020 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 759/2020 & CM APPL. 2301/2020 (stay)

2. Learned counsel for the Petitioners seeks to place reliance on the following passage in *Whirlpool Corporation v Registrar of Trademarks, Mumbai (1998) 8 SCC 1* to urge that this Court can entertain the present petition, which challenges an order dated 6th January, 2020 passed by the Debt Recovery Tribunal-3 ('DRT'), Delhi in SA No. 324/2019:

“15. Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has been consistently held by this court not to operate as a bar in at least three contingencies, namely, where the Writ Petition has been filed for the enforcement of any of the Fundamental rights or where there has been a violation of the

principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged. There is a plethora of case law on this point but to cut down this circle of forensic whirlpool we would rely on some old decisions of the evolutionary era of the constitutional law as they still hold the field.”

3. Learned counsel for the Petitioners states that since the DRT has not disposed of the review petition filed by the Petitioners, there has been a violation of principles of nature justice, and that therefore this Court should entertain the present petition.

4. The Court is not impressed with the above submission and is of the view that the Petitioner can avail the efficacious alternative remedy of going before the Debt Recovery Appellate Tribunal (‘DRAT’) in the first instance. As such, the Court sees no reason to exercise its jurisdiction under Article 226 of the Constitution.

5. The petition is accordingly dismissed. The pending application is also disposed of.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 21, 2020

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