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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6593/2020 and CM Nos. 23010/2020 (stay) and 23011/2020
(exemption)

NISHI LAND PARK LIMITED & ORS. Petitioners

Through: Mr.Sanjeev Bhandari, Advocate

versus

EDELWEISS ASSETS RECONSTRUCTION COMPANY
LIMITED Respondent

Through: Mr.Rajiv Bansal, Sr.Advocate with
Mr.R.P. Agrawal and Ms.Manisha
Agrawal, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **17.09.2020**

HEARD THROUGH VIDEO CONFERENCING

CM No. 23011/2020 (exemption)

Allowed, subject to all just exceptions.

W.P.(C) 6593/2020 and CM Nos. 23010/2020 (stay)

1. The petitioners have filed the present petition being aggrieved by the order dated 04.08.2020, passed by the learned DRAT and the subsequent order dated 21.08.2020, passed by the DRT. Vide order dated 04.08.2020, the learned DRAT has set aside the order dated 27.02.2015, passed by the DRT in O.A No. 280/1999 and has remanded the matter back to the DRT for disposal. Further, the learned DRAT has observed that that O.A was filed by the predecessor-in-interest of the respondent No.1 for recovery of Rs.7,96,49,202/- along with the pendente lite and future interest against the petitioners and resultantly, directed issuance of a Recovery Certificate for

the amount admitted as due and payable by the petitioners. The DRT has been directed to proceed to dispose of the O.A on the remaining aspects of the matter that were being contested by the petitioners herein in the written statement filed by them in response to the O.A.

2. Mr.Sanjeev Bhandari, learned counsel for the petitioners opens his arguments by claiming that the entire amount referred to in para 16 of the impugned order passed by the learned DRAT has already been paid by the petitioners, which submission is vehemently disputed by Mr.Rajiv Bansal, Senior Advocate appearing for the respondent.

3. If it is the stand of the petitioners that the amount mentioned in para 16 of the impugned order has already been paid by the petitioners and the DRAT has erroneously failed to take notice of the said factual position, it is for them to approach the DRAT pointing out the said error and seeking necessary corrections in the impugned order.

4. Mr.Bhandari, learned counsel for the petitioners states that he may be permitted to withdraw the present petition while reserving the right of his clients to approach the DRAT for seeking review of the impugned order.

5. Without commenting on the merits of the pleas taken in the present petition or the contention of learned counsel for the petitioners as recorded hereinabove, leave, as prayed for, is granted. The petition is dismissed as withdrawn along with the pending application.

HIMA K7OHLI, J

SUBRAMONIUM PRASAD, J

SEPTEMBER 17, 2020/SU/rkb