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

+ W.P.(C) 6636/2020

SUPERTECH LIMITED

..... Petitioner

Through Mr. Sudhir Nandrajog, Sr. Adv. with
Mr. Keshav Mohan, Mr. Rishi K Awasthi,
Ms. Ritu Arora, Mr. Piyush Vatsa and
Mr. Prashant Kumar, Advs.

versus

MINISTRY OF FINANCE AND ANR

..... Respondent

Through Mr. Vikram Jetly, CGSC for R-1
Mr. V. K. Gupta, Mr. Sunil Shukla Advocates
alongwith Mr. Nitish Saxena Law officer of the
bank for R-2/ Bank of Maharashtra

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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18.09.2020

This hearing is conducted through Video Conferencing.

CM No.23121/2020

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 6636/2020

1. This Writ Petition is filed by the petitioner seeking the following reliefs:-

"(i) To allow the last mile funding requirements under the SWAMIH Fund by providing a No Objection Certificate and allow the fund manager's debt to take first charge of the project, to enable the petitioner to complete the stalled projects and decide the representation dated 28.07.2020.

(ii) To restructure all loan accounts availed by the petitioner/Supertech Ltd. on its project Eco Village-III and to

recalculate the repayment @ 8% simple interest from the date of disbursement till its final repayment in the light of the directions passed by the Hon'ble Supreme Court in W.P(C) No.940 of 2017 titled as "Bikram Chatterji & Ors. vs. Union of India & Ors." vide order dated 10.07.2020."

2. Learned senior counsel for the petitioner has relied upon a Press Release dated 6.11.2019 which communicates the approval of the Cabinet as a Special Window for funding of stalled Affordable and Middle-Income Housing Projects. Reliance is also placed on a communication dated 27.07.2020 issued by RBI. It is pleaded that respondent No.2 bank despite the scheme in question being applicable to the petitioner is not initiating any process to abide by the decision which is Annexure P-2 to the petition dated 6.11.2019. Learned senior counsel for the petitioner has stressed that respondent No.2 should deal with the said request of the petitioner expeditiously.

3. Learned counsel for respondent No.2 has pointed out that some meeting did take place with the petitioner and appropriate decision was communicated to the petitioner orally.

4. In my opinion, it would be in the interest of justice that the respondent No.2 may treat the present writ petition as a representation of the petitioner. The said representation may be disposed of by the respondent No.2 within 3 weeks from today after giving an appropriate opportunity to the petitioner to make a representation personally before the concerned officials of respondent No.2. The representation should be dealt with as per law and appropriate orders be passed which may be communicated to the petitioner. Respondent No.2 will also consider all the Annexures which are attached to the present writ petition including Annexure P-5 which is a document dated

31.01.2020 issued by SWAMIH INVESTMENT FUND. This order is passed without prejudice to the rights and contentions of the parties.

5. Nothing further survives in the petition. Petition is disposed of. All pending applications, if any, also stand disposed of.

SEPTEMBER 18, 2020/n

JAYANT NATH, J