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

+ **CM(M) 1493/2018 & CM APPL. 51055/2018**

KAMAL ARORA

..... Petitioner

Through: Mr. Gaurav Bahl and Ms. Aakanksha
Kaul, Advocates.

versus

M/S PHOENIX ARC PVT LTD

..... Respondent

Through: Mr. Sujit Kumar, Advocate.
(M:9999016907)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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13.02.2020

The petition challenges the impugned order of the DRAT dated 30th October, 2018. The grievance of the Petitioner is that despite the Petitioner depositing 50% of the debt, no stay of execution was granted by the DRAT. This Court on 5th December, 2018 had entertained the present petition and passed the following order:

“

Petitioner has filed this petition against an order dated 30.10.2018 whereby the petitioner was directed to deposit a sum of Rs.5,02,000/- with Debt Recovery Appellate Tribunal, Delhi towards the compliance of pre deposit of 50% of the debt in question. It is a grievance of the petitioner that despite calling the petitioner to deposit such amount, the stay against the execution proceedings was not granted in favour of the petitioner and the DRAT fixed the matter for 05.12.2018 for final hearing and now though the matter is posted for 19.02.2019 at least the execution proceedings be stayed till next date.

Issue notice to respondent through all modes

returnable on 07.03.2019 and in the meanwhile, the operation of the demand notice dated 24.10.2017 shall remain stayed since the petitioner has complied with the order of deposit. Order dasti.”

Ld. counsel for the Respondent has now appeared in the matter. The DRAT is now seized of the appeal which is to be heard on merits on 28th April, 2020. Considering that 50% of the debt has already been deposited by the Petitioner, the DRAT would now hear the appeal on merits. The execution proceedings shall remain stayed during the pendency of the appeal before the DRAT. Parties are permitted to seek modification if so advised, before the DRAT. The appeal shall now be heard and adjudicated within a period of six months. The interim orders already granted shall operate during the pendency of the appeal, unless modified.

With these observations the petition and all pending applications are disposed of.

PRATHIBA M. SINGH, J

FEBRUARY 13, 2020

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