

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1804 OF 2017**

MSTC Ltd. .. Petitioner
Vs.
Standard Chartered Bank ... Respondent

.....

Mr. Gaurav Joshi, Senior Advocate a/w Mr. Rohit Gupta, Ms Anamika Singh and Mr. Darpan Bhatia i/b Indus Law for petitioner.

Mr. Tushad Copper, Senior Advocate a/w Mr. Kingshuk Banerjee and Ms Radhika Gupta and Mr. T. Mirza i/b Khaitan & Co. for respondent.

**CORAM : K. R. SHRIRAM &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : 21st JUNE, 2022.

P.C.

1. Petitioner has filed this petition impugning order dated 03.02.2017 passed by the Debt Recovery Appellate Tribunal (*‘DRAT’ for brevity*). Petitioner’s challenge on the issue of jurisdiction was dismissed. While considering the application DRAT had a photocopy of Receivable Purchase Agreement dated 29.08.2008. Copy of the Agreement is at Exh.D to additional affidavit filed by one Himanshu Tandon affirmed on 31.10.2018 on behalf of respondent-Bank.

2. In the said additional affidavit respondent has stated that on reviewing its record, it has located the executed version of the said agreement. Mr. Joshi states that executed agreement has certain

portions which are not found in the photocopy and it is so admitted in the additional affidavit.

3. In our view, the Debt Recovery Appellate Tribunal should be given an opportunity to consider this executed version of Receivable Purchase Agreement dated 29.8.2008 and re-visit the issue of jurisdiction raised by petitioner.

4. In the circumstances, with consent (without prejudice to the rights and contentions of both parties) following order is passed.

a) Impugned order dated 03.02.2017 is hereby quashed and set aside.

b) Matter is remanded for *denovo* consideration by DRAT on the issue of jurisdiction.

c) Parties are at liberty to raise all points before DRAT.

d) DRAT, in view of matter being very old, is requested to dispose the matter and the preliminary issue of jurisdiction as early as possible.

5. Petition, accordingly, stands disposed.

6. We clarify that we have not made any observations on the merits of the matter.

(PRITHVIRAJ K.CHAVAN, J.)

(K.R. SHRIRAM, J.)