

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO.18564 OF 2022
IN
WRIT PETITION NO.3020 OF 2021

Gurpreet Singh Alagh

....Applicant

In the matter of

Housing Development Finance
Corporation Ltd. (HDFC Ltd.)

...Petitioner

Vs.

Mr. Gurpreet Singh Alagh & Anr

...Respondents

Ms Archana Khan for Applicant/ Respondent no.1 in Writ petition
Mr. Prathamesh Kamat a/w Mr. Shreesh Oak and Mr. Vinayak Palande i/b SC
Legal for Petitioner
Mr. Amit G. Dubey i/b Mr. Ashok M Saraogi for Respondent No.2

**CORAM : K.R. SHRIRAM &
MILIND N. JADHAV JJ
DATED : 5th JULY 2022**

P.C. :

1 Ms Khan undertakes to file vakalatnama on behalf of applicant/original respondent no.1 during the course of today.

2 Applicant is the original respondent no.1 to the petition, who is seeking a direction to the original petitioner to deposit a sum of Rs.95,75,378/- in this court and to permit applicant to withdraw 50% of the amount on such terms as this court may direct. This application is taken out in view of the order dated 19th July 2021 passed by the Presiding Officer, DRT-I, Mumbai. This order has been impugned by respondent no.1 to the application, who is the original petitioner, in this petition. This court by an

order dated 18th November 2021 issued Rule and also granted a stay of the impugned judgment. In view of the stay granted by this court, the question of granting the relief as sought in this application would not arise. Therefore, interim application dismissed.

3 We also find as recorded in the order dated 3rd November 2021, petitioner-HDFC has filed an appeal being Appeal No.415 of 2021 before the Debt Recovery Appellate Tribunal (DRAT). After filing the appeal, this petition came to be filed since the office of Member Presiding Officer of DRAT was vacant. We are informed that office is now fully functioning.

4 Therefore, DRAT is requested to dispose the appeal as early as possible and in view of the facts and circumstances of the case, preferably, within 8 weeks from today.

5 Stay granted by order dated 18th November 2021 to continue until the disposal of the appeal.

6 Mr. Kamat, Ms Khan and Mr. Dube state that they shall not seek adjournment before the DRAT and will, subject to the convenience of the DRAT go on with the matter on the appointed date.

7 Petition accordingly also disposed.

(MILIND N. JADHAV, J.)

(K.R. SHRIRAM, J.)