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

+ **W.P.(C) 1654/2022**

PAWAN KUMAR & ANR.

.....Petitioners

Through: **Mr. Rohit Kumar, Advocate (through VC).**

versus

UCO BANK

.....Respondent

Through: **Mr. I.S. Chauhan and Ms. Nisha Chauhan, Advocates for respondent Bank (through VC).**

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

27.09.2024

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1. This Court while issuing notice and granting an interim order in the present matter had relied upon the order passed by this Court in ***W.P.(C) No.6774/2021 titled Hridesh Kumar Pathak vs. Bank of Maharashtra.***
2. The said writ petition has subsequently been disposed of by the Coordinate Bench of this Court vide judgment and order dated 11th August, 2023. The relevant portion of the said order is reproduced hereunder:

“8. The petitioners claim that no amounts can be recovered from them, as the respondent banks had disbursed the amounts directly to the builders. The petitioners contend that in terms of the Tripartite Agreement, they are not liable to repay the amounts as the possession of the respective residential flats allotted to them has not been delivered to them.

9. *This Court is of the view that it would not be apposite for this Court to entertain the present petitions as the petitioners*



have the right to urge the grounds as advanced, before the learned DRT. The question whether the respondent banks are entitled to recover any amount from the petitioners is required to be addressed by the learned DRT in the first instance in the proceedings instituted under the Recovery of Debts and Bankruptcy Act, 1993.

10. In view of the above, the present petitions are disposed of. It is clarified that all rights and contentions of the parties are reserved. The petitioners are not precluded from raising such contentions as may be advised, before the learned DRT.”

3. Keeping in view the aforesaid order, the present writ petition is also disposed of in the aforesaid terms.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 27, 2024

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