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

+ **W.P.(C) 10402/2023 & CM APPL. 40266/2023**

ROSHAN LAL LALIT MOHAN

..... Petitioner

Through: Mr. Tanmaya Mehta, Mr. Puneet Yadav, Mr. Sourabh Gupta, Ms. Ananya Gupta and Mr. Ujjwal Choudhary, Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Syed Abdul Haseeb, SPC with Mr. Abhishek Khanna, GP.
Mr. Aaditya Vijay Kumar, Ms. Akshita Katoch and Mr. Pursoth Kannan, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

26.02.2024

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1. The Petitioner has approached this Court with the following prayer:-

“(a) Issue an appropriate writ, order or direction to the Respondent no.2 to decide the One-Time Settlement (OTS) proposal dated 22.07.2019 submitted by the Petitioner in terms of the OTS guidelines / policy of Respondent no.2 and extend the benefits as extended to similarly situated parties like Handum Industries Ltd. within a period of two (2) weeks;

(b) Pass any other order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the fact and circumstances of the present case.”



2. The facts in brief leading to the petition are that the Petitioner and Respondent/NAFED entered into a Memorandum of Understanding (MoU) whereby the Respondent agreed to provide financial assistance towards purchase/import of dry fruits, oil, cake and kirana items etc. It is stated that disputes arose between the parties and the matter has been referred to arbitration. It is stated that arguments have been advanced, the matter has been reserved and the Award is awaited.
3. Material on record indicates that pending arbitration, NAFED issued One Time Settlement (OTS) guidelines in the year 2009-10.
4. It is the case of the Petitioner that NAFED has accepted OTS proposals given by other parties which were similarly situated to the Petitioner. Contending that the same benefit has not been granted to the Petitioner, the Petitioner approached this Court stating that the same benefit should be extended to the Petitioner.
5. Pithily put, the case of the Petitioner is that the Petitioner must be given the same benefit of the OTS settlement as and when the same is extended to other similarly situated borrowers. The Petitioner cannot be permitted to raise this question after the award has been reserved for pronouncement.
6. The dispute between the parties arises out of claims of the NAFED and counter claims made by the Petitioner against NAFED for not releasing the amount which has already been considered by the Arbitrator and arguments have been heard and Award is awaited.
7. Since the Petitioner has availed the remedy of arbitration, this Court is of the opinion that the writ petition ought not to be entertained in the facts



and circumstances of this case.

8. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 26, 2024

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