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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 14476/2022 & CM APPL. 44212/2022-Interim Dir.

VIKRAM PANWAR & ANR.

.....Petitioner

Through: Mr.Sanjeev Bhandari with Mr.Arjit Sharma, Mr.Vaibhav Vats, Mr.Nikunj Bindal, Ms.Charu Sharma, Mr.Dhananjay Kumar Singh, Advs.

versus

STATE BANK OF INDIA

.....Respondent

Through: Mr.Rajiv Kapur, S.C. with Ms.Riya Sood, Adv for SBI.

Mr.Piyush Beriwal with Mr.Sandip Munian, Ms.Jyotasna Vyas, Advs for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

05.12.2024

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1. The present writ petition was filed inter alia seeking quashing of orders dated 30.08.2022 and 03.10.2022 passed by the learned Recovery Officer(R.O.), Debts Recovery Tribunal-I(DRT), Delhi.
2. It is the common case of the parties that during the pendency of the petition, the issues arising from the said impugned orders already stand finally adjudicated.
3. In these circumstances, nothing further survives for adjudication in the present petition.
4. Mr. Sanjeev Bhandari, learned counsel for the petitioner, however, submits that the petitioner was compelled to approach this Court as the R.O. appointed by the learned DRT in the present case was an Officer of the respondent no.1/Bank and, therefore, the petitioner has an apprehension of him, being biased against the petitioner. He



submits that this position can be easily avoided by ensuring that the R.Os. in the matters are assigned in such a manner that they do not have to deal with a case pertaining to the Bank of which they are an employee. He further submits that there are two R.Os attached to every Bench of the DRT and, therefore, the learned DRT can easily ensure that the R.O. dealing with a case is not an employee of the concerned Bank in the same matter.

5. In response, whereof Mr. Rajiv Kapur, learned counsel for the respondent no.1 submits that merely because the R.O. happens to be an employee of the concerned Bank cannot be a ground to infer bias on his part, for which purpose he seeks to place reliance on a decision of the Apex Court in *Delhi Financial Corporation & Anr. v. Rajiv Anand & Ors.*[(2004) 11 SCC 625].
6. Having considered the submissions of learned counsel for the parties, we are inclined to accept the plea of the respondent no.1 that merely because the R.O. happens to be an employee of the Bank to which the claim pertains, would not itself be a ground to infer bias on his part. However, we are of the view that when two R.Os are available with each Bench of the DRT, there is no reason as to why efforts cannot be made to ensure that the R.O., who is appointed in a case has no connection with the concerned Bank.
7. We, therefore, dispose of the petition by requesting the Presiding Officers of all the Benches of the DRT to ensure that in future whenever a R.O. is appointed, every possible effort should be made to ensure that the R.O., who is an employee of the said Bank is not associated with the



matter.

8. A copy of this Order be forwarded to the Chairperson, learned Debts Recovery Appellate Tribunals for issuing appropriate directions to all the Benches of the learned DRT.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 5, 2024
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