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

+ **CS(COMM) 704/2019, CC(COMM) 5/2021**

HDFC BANK LIMITED

..... Plaintiff

Through: Mr. Rohit, Advocate.

versus

MR. ANIL KUMAR THAKUR

..... Defendant

Through: Mr. Sameer Vashisht and Ms.
Harshita Nathrani, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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15.05.2024

I.A. 1521/2024 (under Section 151 CPC has been filed on behalf of the plaintiff with a prayer to permit the withdrawal of the Suit with liberty to file it before the appropriate forum)

1. The application under Section 151 of the Code of Civil Procedure, 1908, has been filed on behalf of the plaintiff with a prayer to permit the withdrawal of the Suit with liberty to file it before the appropriate forum.
2. It is submitted in the application that the Suit had been filed by Housing Development Finance Corporation Limited, which was a Public Limited Housing Company. The Scheme of Amalgamation was proposed *inter alia* for amalgamation of HDFC with HDFC Bank Limited Company and consequent dissolution of HDFC without being wound up. Accordingly, Company Scheme Petition No. 243/2022 connected with Company Scheme Application No. 200/2022, was filed before the National Company Law Tribunal, Mumbai (for short 'NCLT'). By the Order dated 17.03.2023, the



Scheme was sanctioned by NCLT, which was made effective from 01.07.2023 after which, HDFC amalgamated with and into HDFC Bank Limited. As per the Scheme of the Amalgamation, all the estate, assets, properties, rights, claims, title, interest, authorities, liabilities, obligations etc. including all legal proceedings by or against HDFC pending as on 01.07.2023 stood transferred to HDFC Bank Limited, which is to continue to prosecute and enforce the said Suits, by impleading itself in place of HDFC.

3. It is further submitted that the HDFC Bank Limited is a Bank was within the meaning of Section 2(b) and 2(c) of the Banking Regulation Act, 1949 and under Section 2(d) of the RDB Act. Since the enactment of the RDB Act and more particularly Section 18 thereof, upon establishment of the DRT, no Court or Authority is entitled to exercise any jurisdiction in respect of the cases triable by the DRT. The jurisdiction of the DRT has been amended to Rs.20,00,000/- *vide* Notification of the Central Government dated 06.09.2018.

4. Since, the HDFC Bank Limited has now taken over the erstwhile plaintiff, the jurisdiction of this Court stands which now lies before the DRT.

5. Hence, the present application has been filed seeking permission to withdraw the present Suit with liberty to file it before the appropriate forum.

6. Learned counsel appearing on behalf of the defendants, submits that they have no objection to the withdrawal of the present Suit. It is further submitted that the defendants be also permitted to withdraw their Counter-Claim with the liberty to file it afresh before the appropriate forum.

7. In view of the submissions made, the Suit, as well as, the Counter-



Claim, are permitted to be withdrawn by the respective parties with liberty to file it before the appropriate forum.

NEENA BANSAL KRISHNA, J

MAY 15, 2024/RS