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

+ W.P.(C) 12298/2024

INDIAN OVERSEAS BANK LTDPetitioner

Through: Mr. Brijesh Kumar Tamber, Mr.
Vinay Singh Bist and Mr. Yashu
Rustagi, Advocates

versus

MRS KUM KUM KANNODIARespondent

Through: Mr. Pallav Saxena, Mr. Nipun
Sharma, Mr. Mohammad Nausheen
Samar, Mr. Diwaker Goel, Ms. Shruti
Nayar and Ms.Akriti Singh,
Advocates

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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04.09.2024

1. Present writ petition has been filed seeking issuance of directions for expeditious disposal of the Misc. Appeal No. 33/2021 pending before the Debt Recovery Appellate Tribunal, Delhi (DRAT). Petitioner further prays for issuance of directions for adjudication of the early hearing application filed by the petitioner *vide* Diary No. 125 and 126 dated 25th January, 2024 in the aforementioned appeal pending before the DRAT.
2. Learned counsel for the petitioner relies upon Section 20(6) of the Recovery of Debts and Bankruptcy Act, 1993, which provides that the appeal filed before the DRAT under Section 20(1), shall be dealt with by the DRAT, as expeditiously as possible and endeavor shall be made by DRAT



to dispose of the appeal finally within six months from the date of receipt of the appeal. He states that the appeal filed by the petitioner-bank has been pending for the past eighteen (18) months before the DRAT and has not been taken up for hearing due to paucity of time for the last four (4) months. He states that the petitioner-bank has not been able to realize its security interest on account of the interim orders and the pendency of the aforesaid appeal before the DRAT.

3. He states that the refusal/failure of the DRAT to even consider the early hearing application filed in the pending appeal *vide* Diary No. 125 and 126 dated 25th January, 2024 has rendered the petitioner-bank remediless.

4. *Per Contra*, learned counsel for the respondent states that the respondent is willing to pay the amount determined as due and payable by the DRT. He, however, states that the petitioner has refused to accept the said amount.

5. In rejoinder, learned counsel for the petitioner states that since the amount determined by the DRT is not acceptable to the bank, the bank has filed an appeal before the DRAT.

6. Keeping in view the aforesaid, this Court disposes of the present writ petition with a direction to the DRAT to hear and decide the early hearing application on the date already fixed, i.e., 12th September 2024. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 4, 2024/१३