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

+ LPA 953/2024, CM APPL. 55783/2024, CM APPL. 55784/2024 &
CM APPL. 55785/2024

HONEY KATYAL

.....Appellant

Through: Mr. Gopal Jain, Sr. Adv. with Mr.
Alok K. Aggarwal, Ms. Anushruti,
Ms. Snigdha Rajpal, Ms. Suvarna
Kashyap and Ms. Anushka Sharma,
Advs.

versus

PUNJAB AND SIND BANK

.....Respondent

Through: Mr. Brijesh Kumar Tamber, Mr.
Prateek Kushwaha, Ms. Chanchala
Tiwari and Mr. Vinay Singh Bistt,
Advs.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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23.09.2024

1. Present letters patent appeal has been filed challenging the judgment dated 07th August, 2024, passed by the learned Single Judge of this Court in W.P.(C) 10937/2024, whereby the writ petition filed by the appellant, seeking a declaration that the surety obligation imposed upon him under the Deed of Guarantee dated 23rd January, 2014 in respect of the loan facility availed by the Corporate Debtor/Earthcon Universal Infratech Private Limited (EUIPL) is time barred, was dismissed on the ground that the matter is already *sub judice* before the NCLT, which shall be decided in accordance with law.



2. Learned senior counsel for the appellant states that there is an apparent contradiction in paragraphs 12, 14, 15 and 17 of the impugned order. He states that the issue of limitation is central to the pleas raised by the appellant before the NCLT. He, therefore, states that the learned Single Judge ought to have left all the issues, including the issue of limitation, to be decided by the NCLT without giving a finding on the issue of limitation. According to him, the finding on the issue of limitation in paragraph 12 of the impugned order prejudices the appellant in the proceedings before the NCLT.

3. *Per contra*, learned counsel for the respondent, who appears on advance notice states that there is no contradiction in the impugned order inasmuch as, in paragraph 14 of the impugned order, the learned Single Judge has clearly stated that it would be open to the petitioner to raise all relevant contentions before the NCLT.

4. Keeping in view the aforesaid, this Court clarifies that all the contentions and submissions of the appellant are left open, including the issue of limitation and the same shall be decided by the NCLT in accordance with law uninfluenced by any observation made by the learned Single Judge.

5. With the aforesaid clarification/direction, the present writ petition stands disposed of.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 23, 2024

N.Khanna