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

+ **W.P.(C) 15239/2024 & C.M.No.64010/2024**

SAMEER BAHADUR

.....Petitioner

Through: Dr.Manish Singhvi, Sr.Advocate with
Mr.shekhar Budakoti, Advocate.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: None

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

04.11.2024

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1. Present writ petition has been filed seeking directions for quashing the recovery proceedings initiated by respondent no.2 against the petitioner. The petitioner further seeks directions to the Debt Recovery Appellate Tribunal ('DRAT'), Delhi to restore the Regular Appeals bearing nos.422/2023 and 423/2023 which were dismissed vide order dated 13th May, 2024 on account of non-appearance and on the ground that the petitioner had not made the mandatory pre-deposit.
2. Learned senior counsel for the petitioner states that that petitioner is only interested in a One Time Settlement (OTS), as it has repaid much more than the principal borrowed sum.
3. A perusal of the record reveals that the petitioner has already filed an application for restoration of appeal before the DRAT. Consequently, the



restoration application would have to be pressed before the DRAT itself. This Court is also of the view that the prayer for OTS can and should be made only after the appeal has been restored.

4. Further, this Court cannot restore an appeal, which has been dismissed on the ground of non-appearance and non-deposit of mandatory pre-deposit amount. Consequently, it is not inclined to pass any direction with regard to an OTS.

5. Accordingly, the present writ petition along with the application is dismissed with liberty to approach the DRAT.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 4, 2024
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