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

+ **W.P.(C) 9811/2017 & CM No.39930/2017**

**ALOK KUMAR DIXIT**

..... Petitioner

Through: Mr. A.S. Chandhiok, Sr. Adv. with Mr.  
L.K. Giri, Mr. Tanpreet Gulati, Ms.  
Arpita Rawat & Ms. Saroj, Advs.

Versus

**M/S. HARGOBIND FASHIONS PVT LTD & ORS..... Respondents**

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**ORDER**  
**21.02.2024**

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1. The petitioner has filed the present petition impugning an order dated 16.10.2017 (hereafter *the impugned order*) passed by the learned Debts Recovery Appellate Tribunal, Delhi (hereafter *DRAT*) in IA No.674/2016 in Appeal No.215/2015 arising out of O.A. No.7/95 (DRT-I, Delhi). The said application was filed by the respondents alleging that the petitioner – who, at the material time, was discharging his function as the Recovery Officer, Debts Recovery Tribunal-I, Delhi – had wilfully disobeyed the orders of the learned DRAT and was liable for contempt of court.

2. The said allegation was premised on the basis that the petitioner had wilfully disobeyed the order passed by the Presiding Officer, Debts Recovery Appellate Tribunal, Allahabad who, at the material time, was holding the additional charge in respect of the learned DRAT (DRAT, Delhi). In terms of the order dated 19.05.2016, the learned DRAT had directed that no coercive



steps be taken against the respondents. It is alleged that notwithstanding the said order, the petitioner had taken steps for sale of the assets of the respondents.

3. The petitioner had explained that some of the orders were not communicated to him. He had also tendered an unqualified apology. The learned DRAT did not accept the same.

4. We have perused the order and are of the view that there is little doubt that the petitioner is truly contrite about his conduct. It is also material to note that the steps taken by the petitioner did not culminate the sale of the property of the respondents (the debtor).

5. None is present on behalf of the respondents.

6. This Court is informed that the matter *inter se* between the debtors and the State Bank of India stands settled. Mr. Chandhiok, learned senior counsel appearing for the petitioner has also handed over the copy of the order dated 15.06.2022 which indicates the same. The same is taken on record.

7. Mr. Chandhiok further submits that subsequent to the impugned order dated 16.10.2017, the learned DRAT also imposed a penalty of ₹10,000/-. He fairly states that the petitioner does not seek refund of the said amount.

8. We are of the view that a quietus must be put to the said controversy since, the petitioner has tendered an unqualified apology and there is no reason to doubt that he is truly apologetic. Accordingly, the unqualified apology tendered by the petitioner is accepted. The impugned order to the extent that it rejects the petitioner's apology is set aside. It is further clarified that all adverse remarks made against the petitioner in the impugned order be treated as expunged.



9. The petition is disposed of in the aforesaid terms. Pending application is also disposed of.

**VIBHU BAKHRU, J**

**TARA VITASTA GANJU, J**

**FEBRUARY 21, 2024**

**‘gst’**

*[Click here to check corrigendum, if any](#)*