**Court No. - 7**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 5381 of 2024

**Petitioner :-** Bank Of Baroda, A Body Corporate, Barabanki Thru. Its Authorized Officer,Mr. Vinay Agrawal
**Respondent :-** Debt Recovery Tribunal,Lucknow Thru. Its Registrar And 3 Others
**Counsel for Petitioner :-** Prashant Kumar Srivastava
**Counsel for Respondent :-** Syed Mohd Mustafa, Apoorv Dev, Ashish Chaturvedi,C.S.C.

With

**Case :-** WRIT - C No. - 9357 of 2024

**Petitioner :-** Harshal Gupta
**Respondent :-** Debt. Recovery Tribunal Lko Thru. Presiding Officer And 3 Others
**Counsel for Petitioner :-** Ashish Chaturvedi,Shobhit Harsh
**Counsel for Respondent :-** Apoorv Dev,Prashant Kumar Srivastava

**Hon'ble Pankaj Bhatia,J.**

**I.A. No. 2 of 2024**

**in re:**

**MATTERS UNDER ARTICLE 227 No. - 5381 of 2024**

1. Heard the counsel for the applicant and the counsel who appears for the petitioners and the respondents.

2. An intervention application has been filed by a person who is not a party to the proceedings alleging that in his case also, certain wrongs were committed, as such, his case should also be referred to the CBI.

3. The application merits rejection inasmuch as this Court had already directed the CBI to proceed further against the delinquent persons.

4. No separate FIR or separate order is required to be passed in the case of the applicant.

5. The application is **rejected.**

**Order on Main Petitions.**

6. Both the petitions arise out of a common order dated 18.09.2024, hence are being disposed off by this order.

7. In terms of the detailed order passed by this Court on 21.11.2024, it is informed at the bar that the then Presiding Officer of the DRAT had approached the Supreme Court by filing a Special Leave Petition (Civil) Diary No.54816 of 2024, which came to be dismissed on 02.12.2024.

8. In terms of the order passed by this court, a report has been furnished in a sealed cover by the CBI/ACB Lucknow wherein in the preliminary enquiry, the CBI has found the complicity of the then Presiding Officer of the DRAT and other persons named in the report to be correct and cloud was cast on the order dated 18.09.2024, which is impugned in the Writ Petition (Matters Under Article 227) No.5381 of 2024 and Writ-C No.9357 of 2024.

9. In view of the said report, wherein clearly it has been found that the order was obtained subsequently in a malafide manner and was obtained from the DRT illegitimately, the Writ Petitions No.5381 of 2024 and Writ-C No.9357 of 2024 deserves to be allowed.

10. The order impugned dated 18.09.2024 (Annexure no.1), as subsequently corrected through corrigendum dated 27.09.2024, contained as Annexure no.SCA-2 are quashed. The matter is remanded to DRT to pass a fresh order in accordance with law after hearing the parties with all expedition.

11. The position prior to passing of the order dated 18.09.2024 shall be restored before the DRT. This court has not entered into the merits of the case.

12. In terms of the report furnished to this court, the CBI is directed to take further steps for prosecution of the persons who were found to be guilty by lodging an FIR and the investigation shall be carried out to its logical end and in accordance with law.

13. In terms of the report so received, if any misconduct of a similar nature is informed to the CBI in terms of the statement that may come during the investigation, the CBI would be free to carry out further investigation.

14. The report furnished by the CBI shall be kept in a sealed cover and will be retained by the Senior Registrar of this Court in his custody.

15. The petitions are disposed off.

**Order Date :-** 10.12.2024
VNP/-

Digitally signed by :-
VISHVANATH PRASAD SHUKLA
High Court of Judicature at Allahabad,
Lucknow Bench