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

+ **W.P.(C) 8644/2017**

ANJNEY LOYS PVT LTD AND ANR

.....Petitioners

Through: None.

versus

PUNJAB & SIND BANK AND ORS

.....Respondents

Through: Mr Rajinder Wali, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

27.01.2025

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1. None appears on behalf of the petitioners.
2. It is noted that the learned counsel for the petitioner had appeared in the pre-lunch session and had sought an adjournment. The same was declined as the matter has been adjourned on number of occasions at the instance of the petitioners.
3. The present petition was listed for the first time on 27.09.2017, however, could not be taken up as the Bench had not assembled. On the next date of hearing, that is, on 13.10.2017, this court had noticed that there was an inordinate delay in approaching this court as the order impugned in the present petition was passed on 04.08.2015 by the learned Debt Recovery Appellate Tribunal (DRAT). In terms of the said order, the petitioners' appeal against an order passed by the Debt Recovery Tribunal-II, Delhi was



dismissed. At that stage, the learned counsel appearing for the petitioners sought an adjournment to file an affidavit to explain the delay in approaching the Court. The Court acceded to the said request and adjourned the proceedings to 08.02.2018. On the said date, the learned counsel for the petitioner sought an adjournment to enable them to approach respondent no.1 bank with an offer for a one time settlement. This prayer was acceded to. However, the petitioners' application for stay of the impugned order was rejected as not pressed.

4. The petition was, thereafter, listed on 20.03.2018. On this date as well, a request for an adjournment was made. The Court acceded to the said request but also observed that no further adjournments would be granted and accordingly, listed the petition 11.04.2018.

5. On 11.04.2018, the petition was adjourned at joint request of the learned counsel and the hearing was re-scheduled on 13.08.2018. On this date, the counsel informed the Court that there were some negotiations for a one-time settlement and once again the petition was adjourned to 30.11.2018. On that date as well, an adjournment slip was circulated and the petition was adjourned to 21.01.2019. On 21.01.2019, once again, a request for adjournment was sought on the ground that the counsel for the petitioner was in some personal difficulty. This request was also acceded to. The record indicates that the matter was thereafter listed on 13.02.2020 and thereafter directed to be listed on 04.08.2020. However, the matter could not be taken up thereafter due to outbreak of COVID-19.

6. The petition was, thereafter, listed on 13.04.2022. On this date, the learned counsel for the petitioner once again requested for an adjournment.



He submitted that the petitioners had approached respondent no.1 bank for a one time settlement. The request for adjournment was once again acceded to by this court and the matter was re-scheduled for 27.09.2022.

7. On 27.09.2022, once again the matter was adjourned at the request of the learned counsel for the petitioners on the ground that the petitioner's offer for one time settlement was pending consideration. The matter was, thereafter, listed on 16.05.2023. On this day as well, it was adjourned for the same reason, that is, that the petitioners' one time settlement proposal was pending consideration. The matter was thereafter listed on 10.10.2023. On this occasion, the learned counsel for the petitioner requested for an adjournment, which was not opposed and, the petition was directed to be listed for hearing on 30.01.2024. On that date, the learned counsel for the petitioners was in personal difficulty and the hearing of the petition was adjourned to 23.04.2024. However, on 23.04.2024, none was present on behalf of the petitioners and therefore, in the interest of justice, the petition was once again adjourned. It was listed on 20.05.2024 and thereafter, on 29.10.2024 but was adjourned on these two dates as well.

8. It is seen from the above that this petition has been pending before this court without any effective hearing or any attempt of the petitioner to press the same on merits for over seven years.

9. In view of the above, this court had declined the request of the learned counsel for the petitioners for an adjournment in the pre-lunch session and had directed that the matter be listed post lunch to enable the counsel to get the relevant files and address submissions.

10. It is 03:20 p.m. and none appears on behalf of the petitioners on the



second call.

11. In view of the above, the present petition is dismissed for non-prosecution.

VIBHU BAKHRU, J

AJAY DIGPAUL, J

JANUARY 27, 2025
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Click here to check corrigendum, if any