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

+ W.P.(C) 13716/2019

SUPREME TRANSPORT ORGANISATION PRIVATE LIMITED

..... Appellant

Through: Mohammad Nausheen Samar, Adv.

versus

KOTAK MAHINDRA BANK LIMITED Respondent

Through: Mr. Ravi Gupta, Sr. Adv. with
Mr. Mahip Datta Parashar, Ms. Sanya
Lamba and Mr. Sachin Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **02.03.2020**

C.M. APPL. 8503/2020 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

C.M. APPL. 8502/2020

3. Issue notice. Learned counsel for the Petitioner accepts notice. This application has been filed by Respondent No.1 to seek recall of the order dated 25.02.2020, whereby this Court had stayed further steps for auctioning of properties in question. Undisputedly, the two flats which are sought to be put to auction by the Respondents have been mortgaged to the Respondent Bank. The particulars of these flats are; Flat No. 143 and 153, situated on 14th & 15th Floor, respectively, of Building of 2, known as Kalpataru Pinnacle, situated at Goregaon (West), Mumbai Link Road, Mumbai along

with car parking spaces.

4. The submission of Mr. Gupta, learned Sr. Counsel for the Respondent/Applicant is that, admittedly, the said flats have been mortgaged to the Respondent-Bank and the outstanding liability of the Petitioner has not been completely liquidated. Even according to the Petitioner, an amount of about Rs.2 crores remains outstanding. This submission is made on the premise that the notice under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement Interest Act, 2002 (SARFAESI) raised the demand of Rs. 20,24,74,094.07/-, out of which, the Respondent –Bank has already recovered an amount of Rs. 18.75 crores. While making the statement, however, the learned counsel for the Petitioner does not take into account the further interest that could have accrued on the said amount between the date of issuance of the notice till date.

5. Mr. Gupta, submits that reserve price of each of the aforesaid flats is fixed at Rs.5 crores. He has also tendered in Court, a statement of account according to which the outstanding liability, after accrual of normal and penal interest is Rs.8,80,92,2049.20/- as on 07.01.2020. We direct that copy of statement of account be furnished to the learned counsel for the Petitioner, today itself.

6. Even, if, one were to await the confirmation of the amount actually due to the Respondent/Bank, as on date, there is no denying the fact that an amount of nearly Rs.2 crores is due and outstanding even as per the notice issued under Section 13(2) of the SARFAESI Act, on 03.07.2018. Certainly, some interest would have accrued thereon. Aforesaid being the position and since

both the flats are mortgaged to the Respondent-Bank, we permit the Respondents to conduct the auction in respect of one of the flats, namely, Flat No. 143 which is scheduled for tomorrow. Depending on the amount recovered upon sale of the said flat by auction and considering the amount actually due and recoverable from the Respondent, after verification of the statement of account, decision may be taken with regard to conduct of the auction in respect of other flat namely Flat No. 153. It shall be open to the Petitioner to raise all its contentions before the D.R.T. in relation to the computation of interest and penal interest by the Respondent-Bank.

7. In view of the aforesaid orders, no further orders are called for in the writ petition, the same is accordingly disposed of.

8. The next date of hearing in this matter i.e. 31st March, 2020 stands cancelled.

VIPIN SANGHI, J

SANJEEV NARULA, J

MARCH 02, 2020

Pallavi

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+ W.P.(C) 13716/2019

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versus

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Through: Mr. Ravi Gupta, Sr. Adv. with
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Lamba and Mr. Sachin Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

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7. In view of the aforesaid orders, no further orders are called for in the writ petition, the same is accordingly disposed of.

8. The next date of hearing in this matter i.e. 31st March, 2020 stands cancelled.

VIPIN SANGHI, J

SANJEEV NARULA, J

MARCH 02, 2020

Pallavi

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13716/2019**

**SUPREME TRANSPORT ORGANISATION
PRIVATE LIMITED**

..... Petitioner

Through: Mr. Anand Agarwal, Advocate.

versus

KOTAK MAHINDRA BANK LIMITED

..... Respondent

Through: Mr. Ravi Gupta, Sr. Advocate with
Mr. Mahip Dutta and Mr. Sachin Jain,
Advocate.

**CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH**

ORDER
25.02.2020

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C.M. APPL. 7339/2020

1. Notice. Learned counsel for the Respondent accepts notice.
2. Mr. Ravi Gupta, learned Senior counsel for the Respondent now states that notwithstanding the statement made before this Court on 11th February, 2020 that reply would be filed on or before 20th February 2020, the reply will positively be filed today.
3. The Court directs that till the next date of hearing no further steps for auctioning the properties in question be taken.

4. List on 31st March, 2020.

S.MURALIDHAR, J.

TALWANT SINGH, J.

FEBRUARY 25, 2020

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13716/2019 & CM APPLs. 55286/2019 and 55287/2019**
SUPREME TRANSPORT ORGANISATION
PRIVATE LIMITED Petitioner

Through: Mr Anand Aggarwal, Advocate.

versus

KOTAK MAHINDRA BANK LIMITED Respondent
Through: Mr Ravi Gupta, Senior Advocate with
Mr S. Virender, Advocate.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER
11.02.2020

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1. Mr Ravi Gupta, learned senior counsel appearing for the Respondent states that the counter affidavit will be filed positively on or before 20th February, 2020. Rejoinder thereto, if any, be filed before the next date.
2. List on 31st March, 2020.

S.MURALIDHAR, J.

TALWANT SINGH, J.

FEBRUARY 11, 2020/rd

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

+ **W.P.(C) 13716/2019 and C.M. APPL. 55286-87/2019**

SUPREME TRANSPORT ORGANISATION PRIVATE LIMITED

..... Petitioner

Through: Mr. Anand Aggarwal, Advocate.

versus

KOTAK MAHINDRA BANK LIMITED

..... Respondent

Through: Mr. Ravi Gupta, Senior Advocate with
Mr. Mahip Dutta and Mr. Sachin Jain,
Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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21.01.2020

List on 11th February, 2020.

S.MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 21, 2020

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

+ **W.P.(C) 13716/2019**

SUPREME TRANSPORT ORGANISATION PRIVATE LIMITED

..... Petitioner

Through: Mr.Pallav Saxena and Mr.Anand
Aggarwal, Advocates.

versus

KOTAK MAHINDRA BANK LIMITED Respondent

Through: Mr. Ravi Gupta, Senior Advocate
with Mr. Mahip Dutta, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% 23.12.2019

CAV 1261/2019

1. Since counsel for the Respondents have entered their appearance, the caveat stands discharged.

CM APPL. 55288/2019 (exemption)

2. Allowed, subject to all just exceptions.

W.P.(C) 13716/2019 & CM APPLs. 55286/2019 & 55287/2019

3. The Court will be informed by both parties on the next date of the exact amount due from the Petitioner.

4. List on 8th January, 2020.

S.MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 23, 2019/pa

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3821/2019 and CM APPL. 17408/2019 (Interim Order)**
and CM APPL. 45210/2019 (Recall)

KOTAK MAHINDRA BANK LIMITED Petitioner

Through: Mr.Ravi Gupta, Senior Advocate with
Mr.Mahip Datta Parashar, Ms.Sanya
Lamba and Mr.Sachin Jain,
Advocates.

Versus

SUPREME TRANSPORT ORGANISATION PVT LTD & ORS
..... Respondents

Through: Mr.Pallav Saxena and Mr.Anand
Aggarwal, Advocates.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER
% **26.11.2019**

1. Mr. Ravi Gupta, learned senior counsel for the Petitioner, on instructions seeks leave to withdraw the petition with liberty to approach the DRT with an appropriate application for enforcement of the conditions of contract and sanction letter.
2. The petition and the pending applications are dismissed as withdrawn with liberty as prayed for.

3. It is clarified that the DRT will decide the Petitioner's application on merits uninfluenced by any of the orders passed in the present petition by this Court.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 26, 2019

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3821/2019 & CM APPLs. 17408/2019 and 45210/2019

KOTAK MAHINDRA BANK LIMITED Petitioner

Through: Mr Ravi Gupta, Senior Advocate with
Mr Mahip Datta, Advocates.

versus

SUPREME TRANSPORT ORGANISATION PVT LTD & ORS

..... Respondents

Through: Mr Pallav Saxena, Mr Anand
Agarwal and Mr Mohammad
Nausheen Samma, Advocates for R-
1.
Mr R.R. Dubey, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% 14.11.2019

1. A copy of the writ petition be served upon the counsel for the applicant in
CM 45210 of 2019.

2. List on 26th November, 2019.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 14, 2019

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

+ **W.P.(C) 3821/2019**

KOTAK MAHINDRA BANK LIMITED Petitioner

Through: Mr. Ravi Gupta, Sr. Advocate with
Mr. Mahip Datta Parashar and Ms.
Sanya Lamba, Advocates

versus

SUPREME TRANSPORT ORGANISATION PVT LTD & ORS

..... Respondents

Through: None

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% 15.10.2019

CM APPL. 45210/2019 (for recalling order dated 12.04.2019)

1. Notice. Mr. Mahip Datta Parashar, Advocate, accepts notice on behalf of the Petitioner/Non-Applicant.
2. Reply be filed within a period of two weeks.
3. Rejoinder thereto, if any, be filed before the next date of hearing.
4. List on the date already fixed i.e. 14th November, 2019.

S. MURALIDHAR, J.

TALWANT SINGH, J.

OCTOBER 15, 2019/rhc

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

+ W.P.(C) 3821/2019

KOTAK MAHINDRA BANK LIMITED Petitioner

Through: Mr. Ravi Gupta, Senior Advocate
along with Mr. Mahip Datta,
Ms.Sanya Lamba & Mr. Sachin Jain,
Advocates.

versus

SUPREME TRANSPORT ORGANISATION
PVT LTD & ORS

..... Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI

% **ORDER**
12.04.2019

C.M. No. 17409/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3821/2019 and C.M. No. 17408/2019

Mr. Ravi Gupta, learned senior counsel for the petitioner, on instructions, states that auction of the three properties was undertaken yesterday and no bid was received.

Issue notice to the respondents returnable on 14.11.2019.

Till the next date, operation of the impugned order dated 27.03.2019

shall remain stayed and the operation of the order dated 13.11.2018 is restored irrespective of the pendency of the Review Petition preferred by the petitioner in respect of the order dated 06.02.2019 passed by the DRT-II in the SA preferred by the respondent borrower.

This order shall not come in the way of the learned DRT/ DRAT proceeding with the matters before them.

Order Dasti under the signatures of the Court Master.

VIPIN SANGHI, J

REKHA PALLI, J

APRIL 12, 2019

B.S. Rohella



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

% Date of decision: 22nd October, 2018

+ W.P.(C) 11102/2018, CM Nos. 43166-43167/2018

KOTAK MAHINDRA BANK LIMITED Petitioners

Through: Mr. Ravi Gupta, Sr. Adv. with
Mr. M. Dutta, Mr. Sachin Jain and
Mr. Sanjay Lamba, Adv.

versus

SUPREME TRANSPORT ORGANISATION PVT LTD & ORS

..... Respondents

Through: Mr. Rajinder Wali, Adv. and
Mr. Anand Aggarwal, Adv. for R1
Mr. Rishi Sood, Adv. for R4 & R8

AND

+ W.P.(C) 11108/2018, CAV 953/2018, CM Nos. 43184-43185/2018

SUPREME TRANSPORT ORGANISATION PVT LTD

..... Petitioner

Through: Mr. Rajinder Wali, Adv. and
Mr. Anand Aggarwal, Adv.

versus

KOTAK MAHINDRA BANK LTD & ORS

..... Respondents

Through: Mr. Ravi Gupta, Sr. Adv. with
Mr. M. Dutta, Mr. Sachin Jain and
Mr. Sanjay Lamba, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO



V. KAMESWAR RAO, J. (ORAL)

CAV 953/2018 in W.P.(C) 11108/2018

Since counsel for the cavetor is present.

Caveat stands discharged.

CM No. 43167/2018 (for exemption) in W.P.(C) 11102/2018

CM No. 43185/2018 (for exemption) in W.P.(C) 11108/2018

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 11102/2018 & W.P.(C) 11108/2018

1. These two appeals have been filed by the appellants challenging the common order dated September 24, 2018 passed by the Debt Recovery Tribunal, Delhi-I (in short 'DRT').

2. The grievance of the appellant in W.P. (C) 11102/2018 (by Kotak Mahindra Bank Ltd.) is that the OA No. 778/2018 filed by it, has been held to be not maintainable on the ground of territorial jurisdiction, whereas the grievance of the appellant in W.P. (C) 11108/2018 (by Supreme Transport Organisation Pvt. Ltd.) is that the Tribunal has directed interim order passed by it to remain in force for a period of 30 days.

3. It is the case of Kotak Mahindra Bank Ltd. and contended by Mr. Ravi Gupta, learned Senior Counsel appearing for the Bank that the Tribunal without deciding the application filed by it for



amendment of the OA, wherein it had sought amendments to para 3 pertaining to “*Jurisdiction*”, wherein it was specifically stated that all the decisions pertaining to its financial facilities both fresh and old along with maintenance of books of accounts and not limited to recovery of outstanding amount is being serviced and maintained at the Regional Office situated at IBIS, Commercial Block, Asset No.9, Hospitality District, Delhi Aerocity IGI Airport, New Delhi which according to him would show that the DRT, Delhi-I had the jurisdiction to entertain the Original Application in view of Section 19(1)(a) of the RDDBFI Act.

4. He also states that the issue of jurisdiction is a mixed question of fact and law and needs to be decided by giving opportunity to the Kotak Mahindra Bank Ltd. to put its case in support of its contention that the Tribunal had the jurisdiction by allowing the amendments sought.

5. On the other hand, Mr. Rajinder Wali, learned counsel appearing for the Supreme Transport Organisation Pvt. Ltd. states that on a perusal of the Original Application filed by Kotak Mahindra Bank Ltd., it is seen that bald averments have been made without satisfying as to how the DRT-I, Delhi has the jurisdiction.



6. He also stated that the grievance of the Supreme Transport Organisation Pvt. Ltd. in its writ petition is to the extent that the DRT has continued the interim order, even though, the Tribunal had specifically concluded that it does not have the territorial jurisdiction to entertain the Original Application filed by the Kotak Mahindra Bank Ltd. Mr. Wali also stated that the appellant, Supreme Transport Organisation Pvt. Ltd. had also filed an application for vacation of order dated July 24, 2018, whereby a garnishee order has been passed directing debtors of Supreme Transport Organisation Pvt. Ltd. to make payments in the account maintained with the Kotak Mahindra Bank Ltd. According to him, the said order is affecting the working / finances of the Supreme Transport Organisation Pvt. Ltd, and is liable to be vacated.

7. Having heard the learned counsel for the parties, agreeing with the submission of Mr. Gupta, we dispose of the writ petitions by setting aside the order dated September 24, 2018 and thereby directing the Tribunal to decide the application for amendment filed by Kotak Mahindra Bank Ltd. for amendment of the Original Application and thereafter, decide the issue of the territorial jurisdiction of the DRT-I, Delhi to entertain the Original



Application. The Tribunal shall also decide the application filed by the Supreme Transport Organisation Pvt. Ltd. for vacation of interim order dated July 24, 2018, while considering the application on the issue of territorial jurisdiction of the Tribunal to entertain the OA.

CM No. 43166/2018 (for stay) in W.P.(C) 11102/2018
CM No. 43184/2018 (for stay) in W.P.(C) 11108/2018

Dismissed as infructuous.

V. KAMESWAR RAO, J

CHIEF JUSTICE

OCTOBER 22, 2018/aky

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

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+ **W.P.(C) 11102/2018 & CM APPL. 43166-67/2018**

KOTAK MAHINDRA BANK LIMITED Petitioner

versus

SUPREME TRANSPORT ORGANISATION

PVT LTD & ORS Respondents

76

+ **W.P.(C) 11108/2018 & CAV 953/2018, CM APPL. 43184-85/2018**

SUPREME TRANSPORT ORGANISATION

PVT LTD & ORSPetitioners

Versus

KOTAK MAHINDRA BANK LIMITED Respondent

Present: Mr. Ravi Gupta, Mr. Mahip Datta and Ms. Sanya Lamba,
Advocates for petitioner in Item No.75 and for
respondent in Item No.76.
Mr. Anand Aggarwal, Advocate for petitioner in Item
No.76 and for respondent in Item No.75.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **15.10.2018**

List before the regular Bench on 22nd October, 2018.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

OCTOBER 15, 2018

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