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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 12549/2023, CM APPL. 49488/2023 & CM APPL. 19608/2025

VIKRAM SACHDEVA & ANR.Petitioners

Through: Ms. Apoorva Thakral,
Advocate with Appellant in
person.

versus

UNION BANK OF INDIA & ANR.Respondents

Through: Mr. O.P. Gaggar, Adv. for R-1.

CORAM:
HON'BLE MR. JUSTICE VIVEK CHAUDHARY
HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

% **06.07.2026**

1. The present appeal has been filed seeking to assail the Order dated 06.09.2013 passed by the Debt Recovery Tribunal (hereinafter after referred to as "DRT") in OA No. 39/2012 titled "***Union Bank of India vs. M/s Crest Exports Pvt. Ltd.***", whereby the learned DRT allowed the OA and held that respondent is entitled to recover the sum of Rs. 1,28,08,000/- @ 18.50% p.a from the appellants.
2. Learned counsel for the petitioners submits that this is a case of fraud played upon the petitioners by the respondent bank. It is submitted that certain amounts have since been deposited by the petitioners, and that certain property of the petitioners has also been auctioned by the bank, from which the bank has received further



amounts.

3. The Debt Recovery Appellate Tribunal (hereinafter referred to as "DRAT"), vide its order dated 20.08.2018, had required the petitioners to make a pre-deposit of 50% of the amount due, as a condition for hearing their appeal. On their failure to do so, the DRAT dismissed the appeal.

4. Learned counsel for the petitioners states that since this is a case of fraud played upon the petitioners by the bank, this Court should exercise its discretion under the proviso to Section 21 of the Recovery of Debts and Bankruptcy Act, 1993, and permit the petitioners to deposit only 25% of the amount due as per the order of the DRAT, after taking into account the amounts already deposited by the petitioners and the amounts already received by the bank from the auction.

5. Having regard to the special facts and circumstances of the case, and more particularly since a plea of fraud has been raised against the bank, we permit the petitioners to deposit 25% of the amount held due by the DRAT as on the date of its order, after adjusting: (i) any amount deposited thereafter by the petitioners, and (ii) any amount recovered by the bank from the auction of the petitioners' properties.

6. The said amount shall be deposited by the petitioner within a period of eight weeks from today. In case the amount is deposited within this period, the DRAT shall hear the appeal on merits, in accordance with law.

7. It is made clear that this Court has not examined the merits of



the case, and all questions are left open to be decided by the DRAT.

8. In view of the above, the writ petition, along with pending applications, stands disposed of.

VIVEK CHAUDHARY, J.

RENU BHATNAGAR, J.

JULY 06, 2026/neha/mm