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

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W.P.(C) 13650/2019

L. MADHUSHUDHAN RAO Petitioner
Through: Mr. Aditya Malhotra, Mr. Uday Arora
and Mr. Vivek Kumar, Advocates.

versus

ICICI BANK LTD. AND ORS. Respondents
Through: Mr R.P. Agrawal and Mr Nitish
Kumar, Advocates for ICICI Bank

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

% **ORDER**
23.12.2019

CM APPL. 55076/2019 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 13650/2019 & CM APPL. 55075/2019 (stay)

2. Notice. Notice is accepted by learned counsel for the Respondents.

3. Learned Senior Counsel appearing for the Petitioner draws the attention of the Court to the judgment dated 8th March, 2017 of this Court in W.P.(C)

10765/2015 (*ICICI Bank Ltd v. Kapil Puri*) as well as to the subsequent judgment dated 1st November, 2019 of this Court in W.P.(C) No.11581/2019 (*L Madhusudhan Rao v. ICICI Bank Ltd.*), both of which hold that it is not within the powers of the Debt Recovery Tribunal ('DRT'), or for that matter the Debt Recovery Appellate Tribunal ('DRAT'), to exercise powers under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 ('RDDBFI Act'), to enforce any clause in the Deed of Guarantee, executed by the Petitioner in favour of the Bank.

4. Mr. R. P. Aggarwal, learned counsel for the Respondents, seeks time for filing a reply to the present petition.

5. The Court considers it appropriate to direct that till the next date of hearing, the directions in the impugned order dated 13th November, 2019, issued by the DRAT, that the Petitioner should seek prior permission of the Respondent/Bank before travelling abroad, shall remain stayed. It is clarified that as a result, the order passed by the DRT on 20th July, 2019, which has not been challenged by the Petitioner, will continue to operate.

6. List on 22nd April, 2020.

7. The reply be filed within four weeks. Rejoinder thereto may be filed before the next date.

8. Order *Dasti* under the signatures of the Court Master.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 23, 2019
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