

(2003) 07 DEL CK 0140
In the Delhi High Court
Case No : CW No. 9 of 2002

Sunlit Industries

APPELLANT

Vs

Delhi Financial Corporation

RESPONDENT

Date of Decision : 21-07-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 07 DEL CK 0140

Hon'ble Judges : Badar Durrez Ahmed, J

Bench : Single Bench

Advocate : Party-in-Person, for the Appellant; Amit Dayal, for the Respondent

Judgement

Badar Durrez Ahmed, J.—In this petition, the petitioner is essentially seeking a one-time settlement of the dues which have been crystalised against it in respect of a loan taken by it from the respondent for the setting up of a manufacturing unit for the manufacture of electric bulbs in the Industrial Area, Narela, Delhi. The loan of Rs 8 lakhs was sanctioned as far back as in 1992 and the petitioner-in-person submits that out of the sanctioned amount of 8 lakhs, the petitioner has only withdrawn 5.50 lakhs. He further submits that the unit could not start due to lack of electric supply etc. and as a result of which it became an NPA.

2. Mr S.P. Arora, partner in the petitioner firm who appears on its behalf submits that the dues are to the tune of Rs 2 lakhs, whereas the respondents are claiming the dues to be approximately Rs 13 lakhs. By virtue of an order passed by this Court on 01.03.2002 a sum of Rs 2 lakhs was deposited by the petitioner and it is lying in deposit in this Court. The petitioner is essentially seeking a one-time settlement.

3. Learned counsel for the respondents submits that the petitioner has no right for seeking a one-time settlement and a mandamus for such a settlement cannot be issued under Article 226 of the Constitution. However, I feel that instead of this Court going into the facts and circumstances of the matter and examining as

to the exact nature of the dues of the petitioner, it would be appropriate if the respondents were to consider the petitioner's present petition as a representation/application and to come to a decision in terms of the applicable rules and guidelines in accordance with law. Accordingly, this writ petition is disposed with the direction that the present petition be treated as an application for one-time settlement and the same be disposed of by the respondents in terms of the applicable rules and guidelines in accordance with law. The same may be done within four weeks from the date of this order. The sum of Rs 2 lakhs which are lying in deposit in the name of the Registrar, High Court of Delhi be released to the respondents Along with interest which might have accrued thereon till date. This amount will be adjusted against the dues that are due from the petitioner.

4. The writ petition is disposed of.