



2026:DHC:8727-DB



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

Date of decision: 23rd SEPTEMBER, 2026

IN THE MATTER OF:

CNR No. DLHC010443312026

+ **W.P.(C) 13671/2026**

NIKHIL PODDAR THROUGH HIS DULY CONSTITUTED
ATTORNEY MR. DEVENDER KUMAR SHARMAPetitioner
Through: *Appearance not given.*

versus

PUNJAB NATIONAL BANK THROUGH ITS AUTHORIZED
REPRESENTATIVERespondent
Through: Mr. Brijesh K Tamber, Ms.
Chanchala Kumari, Mr. Vinay Singh
Bist, Advs.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
HON'BLE MS. JUSTICE RENU BHATNAGAR

JUDGMENT (ORAL)

CM APPL. 63841/2026 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 13671/2026 & CM APPL. 63840/2026

1. The challenge in the present Writ Petition is to the Order dated 01.07.2026 passed by the Ld. Debts Recovery Appellate Tribunal, Delhi [“DRAT”], refusing to take on record the Petitioner’s written statement on record on the ground that it has been filed beyond the maximum time prescribed under Section 19(5)(i) of the Recovery of Debts and Bankruptcy



Act, 1993 [“RDBA Act”].

2. Shorn of unnecessary details, the facts as narrated in the present Writ Petition are that on 06.09.2019, the complete paper-book of the O.A. was received by the Petitioner’s Counsel. The period prescribed for filing the written statement of defence under Section 19(5)(i) of the RDBA Act is thirty (30) days from the date of service of summons and therefore, the Petitioner’s written statement ought to have been filed on or before 06.10.2019.

3. Proviso to Section 19(5)(i) of the RDBA Act provides a further grace period of fifteen (15) days for filing the written statement beyond thirty (30) days, in exceptional and special circumstances explained in writing and as such, the Petitioner’s written statement ought to have been filed by on or before 21.09.2019. Material on record indicates that the written statement has been filed by the Petitioner on 26.11.2019, which is beyond the maximum time prescribed under Section 19(5)(i) of the RDBA Act.

4. The short question which arises for consideration before this Court is whether the Court has the power to condone any delay beyond the maximum time prescribed under Section 19(5)(i) of the RDBA Act.

5. For the sake of reference, Section 19(5)(i) of the RDBA Act is reproduced to read as under:

“19(5)(i) the defendant shall within a period of thirty days from the date of service of summons, present a written statement of his defence including claim for set-off under sub-section (6) or a counter-claim under sub-section (8), if any, and such written statement shall be accompanied with original documents or true copies thereof with the leave of the Tribunal, relied on by the defendant in his defence:



Provided that where the defendant fails to file the written statement within the said period of thirty days, the Presiding Officer may, in exceptional cases and in special circumstances to be recorded in writing, extend the said period by such further period not exceeding fifteen days to file the written statement of his defence;”

6. A court's power to condone delay is prescribed under Section 5 of the Limitation Act, 1963. Section 29(2) of the Limitation Act specifies that where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule to the Limitation Act, the provisions of Section 3 of the Limitation Act shall apply, as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in Sections 4 to 24 (inclusive) shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special or local law.
7. The RDBA Act is a special code in itself which provides for separate hierarchy of Tribunals as well as separate period of limitation and, therefore, Section 29 of the Limitation Act is squarely applicable to the present case and provisions under Section 5 cannot be resorted to by the Court to condone the delay.
8. A reading of the Section 19 of the RDBA Act indicates that the maximum period that can be permitted for filing a written statement is only 45 days, which includes the fifteen-days' grace provided in the proviso.
9. Analogous provisions have been examined by the Apex Court in several judgments. The Consumer Protection Act, 1986 had similar



provisions. Section 13(1) and 13(2) of the said Act which lays down the period of filing the reply on receipt of a complaint relates to any defective goods. Section 13 of the Consumer Protection Act, 1986 is reproduced as under:

“13. Procedure on receipt of complaint.—(1) The District Forum shall, on receipt of a complaint, if it relates to any goods,—

*(a) refer a copy of the complaint to the opposite party mentioned in the complaint directing him to **give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum;***

(b) where the opposite party on receipt of a complaint referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute in the manner specified in clauses (c)-(g);

*(c)-(g) ****

(2) The District Forum shall, if the complaint received by it under Section 12 relates to goods in respect of which the procedure specified in sub-section (1) cannot be followed, or if the complaint relates to any services,—

*(a) refer a copy of such complaint to the opposite party directing him to give his version of the **case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum;***

(b) where the opposite party, on receipt of a copy of the complaint, referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute,—



(i) on the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or disputes the allegations contained in the complaint, or

(ii) on the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the Forum.

(3) No proceedings complying with the procedure laid down in sub-sections (1) and (2) shall be called in question in any court on the ground that principles of natural justice have not been complied with.

(4) For the purposes of this section, the District Forum shall have the same powers as are vested in a civil court under Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely—

(i) the summoning and enforcing attendance of any defendant or witness and examining the witness on oath;

(ii) the discovery and production of any document or other material object producible as evidence;

(iii) the reception of evidence on affidavits;

(iv) the requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source;

(v) issuing of any commission for the examination of any witness; and

(vi) any other matter which may be prescribed.”

(emphasis supplied)

10. The said provision is also similar to Section 19(5) of the RDBA Act. The Apex Court in J.J. Merchant v. Shrinath Chaturvedi, (2002) 6 SCC 635, while construing as to whether the said provision is directory or mandatory, has observed as under:

“13. The National Commission or the State Commission is empowered to follow the said



procedure. From the aforesaid section it is apparent that on receipt of the complaint, the opposite party is required to be given notice directing him to give his version of the case within a period of 30 days or such extended period not exceeding 15 days as may be granted by the District Forum or the Commission. For having speedy trial, this legislative mandate of not giving more than 45 days in submitting the written statement or the version of the case is required to be adhered to. If this is not adhered to, the legislative mandate of disposing of the cases within three or five months would be defeated.

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*15. Under this Rule also, there is a legislative mandate that written statement of defence is to be filed within 30 days. However, if there is a failure to file such written statement within the stipulated time, the court can at the most extend further period of 60 days and no more. Under the Act, the legislative intent is not to give 90 days of time but only maximum 45 days for filing the version by the opposite party. **Therefore, the aforesaid mandate is required to be strictly adhered to.***

(emphasis supplied)

11. In Union of India v. Popular Construction Co., (2001) 8 SCC 470, the Apex Court while dealing with a petition under Section 34 of the Arbitration & Conciliation Act, 1996, which also provided for a special period of limitation wherein the words “*but not thereafter*” were used in relation to the power of the court to condone the delay in challenging the award beyond the period prescribed under Section 34 of the Arbitration and Conciliation Act, observed as under:-



“12. As far as the language of Section 34 of the 1996 Act is concerned, the crucial words are “but not thereafter” used in the proviso to sub-section (3). In our opinion, this phrase would amount to an express exclusion within the meaning of Section 29(2) of the Limitation Act, and would therefore bar the application of Section 5 of that Act. Parliament did not need to go further. To hold that the court could entertain an application to set aside the award beyond the extended period under the proviso, would render the phrase “but not thereafter” wholly otiose. No principle of interpretation would justify such a result.

16. Furthermore, Section 34(1) itself provides that recourse to a court against an arbitral award may be made only by an application for setting aside such award “in accordance with” sub-section (2) and sub-section (3). Sub-section (2) relates to grounds for setting aside an award and is not relevant for our purposes. But an application filed beyond the period mentioned in Section 34, sub-section (3) would not be an application “in accordance with” that sub-section. Consequently by virtue of Section 34(1), recourse to the court against an arbitral award cannot be made beyond the period prescribed. The importance of the period fixed under Section 34 is emphasised by the provisions of Section 36 which provide that

“where the time for making an application to set aside the arbitral award under Section 34 has expired ... the award shall be enforced under the Civil Procedure Code, 1908 in the same manner as if it were a decree of the court”.

This is a significant departure from the provisions of the Arbitration Act, 1940. Under the 1940 Act, after the time to set aside the award expired, the court was required to “proceed to pronounce judgment according to the award, and upon the judgment so pronounced a decree shall follow” (Section 17). Now the consequence of the time expiring under Section



34 of the 1996 Act is that the award becomes immediately enforceable without any further act of the court. If there were any residual doubt on the interpretation of the language used in Section 34, the scheme of the 1996 Act would resolve the issue in favour of curtailment of the court's powers by the exclusion of the operation of Section 5 of the Limitation Act.”

(emphasis supplied)

12. Similarly, the Apex Court in Singh Enterprises v. Commissioner of Central Excise, Jamshedpur, (2008) 3 SCC 70, while interpreting analogous provision in the Central Excise Act, 1994, the Apex Court has observed as under:-

“8. The Commissioner of Central Excise (appeals) as also the Tribunal being creatures of statute are not vested with jurisdiction to condone the delay beyond the permissible period provided under the statute. The period up to which the prayer for condonation can be accepted is statutorily provided. It was submitted that the logic of Section 5 of the Limitation Act, 1963 (in short “the Limitation Act”) can be available for condonation of delay. The first proviso to Section 35 makes the position clear that the appeal has to be preferred within three months from the date of communication to him of the decision of order. However, if the Commissioner is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of 60 days, he can allow it to be presented within a further period of 30 days. In other words, this clearly shows that the appeal has to be filed within 60 days but in terms of the proviso further 30 days time can be granted by the appellate authority to entertain the appeal. The proviso to sub-section(1) of Section 35



makes the position crystal clear that the appellate authority has no power to allow the appeal to be presented beyond the period of 30 days. The language used makes the position clear that the legislature intended the appellate authority to entertain the appeal by condoning delay only up to 30 days after the expiry of 60 days which is the normal period for preferring appeal. Therefore, there is complete exclusion of Section 5 of the Limitation Act. The Commissioner and the High Court were therefore justified in holding that there was no power to condone the delay after the expiry of 30 days' period."

(emphasis supplied)

13. After referring to the above decision, the Apex Court in Customs and Central Excise v. Hongo India Private Limited, (2009) 5 SCC 791, has observed as under:-

"30. In the earlier part of our order, we have adverted to Chapter VI-A of the Act which provides for appeals and revisions to various authorities. Though Parliament has specifically provided an additional period of 30 days in the case of appeal to the Commissioner, it is silent about the number of days if there is sufficient cause in the case of an appeal to the Appellate Tribunal. Also an additional period of 90 days in the case of revision by the Central Government has been provided. However, in the case of an appeal to the High Court under Section 35-G and reference application to the High Court under Section 35-H, Parliament has provided only 180 days and no further period for filing an appeal and making reference to the High Court is mentioned in the Act.

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32. As pointed out earlier, the language used in



Sections 35, 35-B, 35-EE, 35-G and 35-H makes the position clear that an appeal and reference to the High Court should be made within 180 days only from the date of communication of the decision or order. In other words, the language used in other provisions makes the position clear that the legislature intended the appellate authority to entertain the appeal by condoning the delay only up to 30 days after expiry of 60 days which is the preliminary limitation period for preferring an appeal. In the absence of any clause condoning the delay by showing sufficient cause after the prescribed period, there is complete exclusion of Section 5 of the Limitation Act. The High Court was, therefore, justified in holding that there was no power to condone the delay after expiry of the prescribed period of 180 days.

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35. It was contended before us that the words “expressly excluded” would mean that there must be an express reference made in the special or local law to the specific provisions of the Limitation Act of which the operation is to be excluded. In this regard, we have to see the scheme of the special law which here in this case is the Central Excise Act. The nature of the remedy provided therein is such that the legislature intended it to be a complete code by itself which alone should govern the several matters provided by it. If, on an examination of the relevant provisions, it is clear that the provisions of the Limitation Act are necessarily excluded, then the benefits conferred therein cannot be called in aid to supplement the provisions of the Act. In our considered view, that even in a case where the special law does not exclude the provisions of Sections 4 to 24 of the Limitation Act by an express reference, it would nonetheless be open to the court to examine whether and to what extent, the nature of those provisions or the nature of the subject-matter and



scheme of the special law exclude their operation. In other words, the applicability of the provisions of the Limitation Act, therefore, is to be judged not from the terms of the Limitation Act but by the provisions of the Central Excise Act relating to filing of reference application to the High Court.”

(emphasis supplied)

14. While explaining the provisions of Section 421 of the Companies Act, 2013, the Apex Court in Druggists Association v. Kalyan Chowdhury, (2018) 3 SCC 41, has observed as under:-

“3. Before coming to the judgments of this Court, it is important to first set out Section 421(3) and Section 433 of the Act. These provisions read as follows:

“421. Appeal from orders of Tribunal.—(1)-(2) * *

(3) Every appeal under sub-section (1) shall be filed within a period of forty-five days from the date on which a copy of the order of the Tribunal is made available to the person aggrieved and shall be in such form, and accompanied by such fees, as may be prescribed:

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of forty-five days from the date aforesaid, but within a further period not exceeding forty-five days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within that period. ...

** * **

433. Limitation.—The provisions of the Limitation Act, 1963 (36 of 1963) shall, as far as may be, apply to proceedings or appeals before the Tribunal or the Appellate Tribunal, as the case may be.”



4. A cursory reading of Section 421(3) makes it clear that the proviso provides a period of limitation different from that provided in the Limitation Act, and also provides a further period not exceeding 45 days only if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within that period. Section 433 obviously cannot come to the aid of the appellant because the provisions of the Limitation Act only apply “as far as may be”. In a case like the present, where there is a special provision contained in Section 421(3) proviso, Section 5 of the Limitation Act obviously cannot apply.

5. Another very important aspect of the case is that 45 days is the period of limitation, and a further period not exceeding 45 days is provided only if sufficient cause is made out for filing the appeal within the extended period. According to us, this is a peremptory provision, which will otherwise be rendered completely ineffective, if we were to accept the argument of the learned counsel for the appellant. If we were to accept such argument, it would mean that notwithstanding that the further period of 45 days had elapsed, the Appellate Tribunal may, if the facts so warrant, condone the delay. This would be to render otiose the second time-limit of 45 days, which, as has been pointed out by us above, is peremptory in nature.”

(emphasis supplied)

15. Further, the Apex Court in New India Assurance Company Limited v. Hili Multipurpose Cold Storage Private Limited, (2020) 5 SCC 757, has observed as under:-

“20. The legislature in its wisdom has provided for filing of complaint or appeals beyond the period



specified under the relevant provisions of the Act and Regulations, if there is sufficient cause given by the party, which has to be to the satisfaction of the authority concerned. No such discretion has been provided for under Section 13(2)(a) of the Consumer Protection Act for filing a response to the complaint beyond the extended period of 45 days (30 days plus 15 days). **Had the legislature not wanted to make such provision mandatory but only Directory, the provision for further extension of the period for filing the response beyond 45 days would have been provided, as has been provided for in the cases of filing of complaint and appeals. To carve out an exception in a specific provision of the statute is not within the jurisdiction of the courts, and if it is so done, it would amount to legislating or inserting a provision into the statute, which is not permissible.**

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25. The contention of the learned counsel for the respondent is that by not leaving a discretion with the District Forum for extending the period of limitation for filing the response before it by the opposite party, grave injustice would be caused as there could be circumstances beyond the control of the opposite party because of which the opposite party may not be able to file the response within the period of 30 days or the extended period of 15 days. **In our view, if the law so provides, the same has to be strictly complied, so as to achieve the object of the statute. It is well settled that law prevails over equity, as equity can only supplement the law, and not supplant it.**

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27. **It is thus settled law that where the provision of the Act is clear and unambiguous, it has no scope for any interpretation on equitable ground."**

(emphasis supplied)



16. Lastly, a Coordinate Bench of this Court in Anita Garg and Ors. vs. State Bank of India, 2021 SCC OnLine Del 4311, has also examined the aforesaid aspect and has observed as under:-

“28. The Statement of Objects and Reasons and Preamble to the 1993 Act reads as under:

“STATEMENT OF OBJECTS AND REASONS

Banks and financial institutions at present experience considerable difficulties in recovering loans and enforcement of securities charged with them. The existing procedure for recovery of debts due to the banks and financial institutions has blocked a significant portion of their funds in unproductive assets, the value of which deteriorates with the passage of time. The Committee on the Financial System headed by Shri. M. Narasimham has considered the setting up of the Special Tribunals with special powers for adjudication of such matters and speedy recovery as critical to the successful implementation of the financial sector reforms. An urgent need was, therefore, felt to work out a suitable mechanism through which the dues to the banks and financial institutions could be realized without delay. In 1981, a Committee under the Chairmanship of Shri. T. Tiwari had examined the legal and other difficulties faced by banks and financial institutions and suggested remedial measures including changes in law. The Tiwari Committee had also suggested setting up of Special Tribunals for recovery of dues of the banks and financial institutions by following a summary procedure. The setting up of Special Tribunals will not only fulfill a long-felt need, but also will be an important step in the implementation of the Report of Narasimham Committee. Whereas on 30th September, 1990 more than fifteen lakhs of cases filed by the public sector banks and about 304 cases filed by the financial institutions were pending in various courts, recovery of debts involved more than Rs. 5622 crores



in dues of Public Sector Banks and about Rs. 391 crores of dues of the financial institutions. The locking up of such huge amount of public money in litigation prevents proper utilisation and recycling of the funds for the development of the country. **The Bill seeks to provide for the establishment of Tribunal and Appellate Tribunals for expeditious adjudication and recovery of debts due to banks and financial institutions.**”

(emphasis supplied)

“Preamble

An Act to provide for the establishment of Tribunals **for expeditious adjudication and recovery of debts due to banks and financial institutions** (insolvency resolution and bankruptcy of individuals and partnerships firms) and for matters connected therewith or incidental thereto.”

(emphasis supplied)

29. Section 19(5)(i. of the Act reads as under.

“The defendant shall within a period of thirty days from the date of service of summons, present a written statement of his defence **including** claim for set-off under sub-section (6) or a **counter-claim under subsection (8), if any**, and such written statement shall be accompanied with original documents or true copies thereof with the leave of the Tribunal, relied on by the defendant in his defence:

Provided that where the defendant fails to file the written statement within the said period of thirty days, the Presiding Officer may, in exceptional cases and in special circumstances to be recorded in writing, extend the said period by such further period **not exceeding fifteen days to file the written statement of his defence;**”

(emphasis supplied)



30. The objective of the 1993 Act is expeditious disposal of cases for recovery of debts due to banks and financial institutions. A reading of 19(5) clearly shows that the written statement/counter-claim is required to be filed mandatorily within 30 days from the 'date of service of summons'. Another period of 15 days maximum can be granted, only in exceptional cases and in special circumstances, which are to be found and recorded in writing by the Presiding Officer while granting extension by upto 15 days. These strict timelines of 30 days, and 15 days thereafter, as mandated in section 19(5) are in consonance with the objective sought to be achieved by the Recovery of Debts and Bankruptcy Act, 1993. The strict timelines for filing written statement and counter claim is account of the fact that DRT is adjudicating on disputes involving huge amounts of public money, and if any delay is permitted in the adjudication of those disputes, the same will result in locking up of huge amounts of public money which further would prevent utilization and recycling of those funds for the development of the country. The use of the pre-emptory words "not exceeding fifteen days" in the proviso of Section 19(5)(i), limits the discretion of the DRT to extend the time for filing the written-statement/counter claim, not beyond fifteen days and, that too, in strict compliance of the conditions viz. **"in exceptional cases and in special circumstances to be recorded in writing"**. The condition has been laid down, so as to guide the DRT not to condone the delay in a routine manner, liberally or casually only "in the interest of justice". The bar set by the Parliament for exercise of discretion by the Presiding Officer to condone delay in filing the written statement/counter-claim/set-off is higher than mere existence of "sufficient cause".

(emphasis supplied)



17. The Apex Court, therefore, held that even for extension of beyond 15 days, exceptional circumstances has to be shown otherwise delay cannot be condoned. Meaning thereby, there is no power to condone the delay beyond 15 days.

18. Learned Counsel appearing for the Petitioner states that there was a delay by the Respondent/Bank itself in providing the paper-book to the Petitioner and, therefore, the period only from the time when Respondent/Bank has supplied the paper-book to the Petitioner should be reckoned for the purpose of Section 19(5)(i) of the RDBA Act.

19. However, material on record clearly indicates that the entire paper-book was served on the Petitioner's Counsel on 06.09.2019 and therefore, the clock would definitely start running from the time when the entire paper-book was received by the Petitioner's Counsel. As such, the delay beyond the maximum period 45 days prescribed under Section 19(5)(i) of the RDBA Act cannot be condoned by any Court.

20. With these observations, the Writ Petition is dismissed, along with pending Application(s), if any.

SUBRAMONIUM PRASAD, J

RENU BHATNAGAR, J

SEPTEMBER 23, 2026

S. Zakir