

DEBTS RECOVERY APPELLATE TRIBUNAL, DELHI

Misc. Appeal No. 175/2026

In

Arising out of O.A. No. 650/2023 (DRT-II, Delhi)

Item No. 9

Mahua Co-operative Cold Storage Ltd.

v.

National Co operative Development Corporation

29.05.2026 Hon'ble Dr. Justice Sudhir Kumar Jain

Present: Sh. Abhishek Ranjan, Advocate for appellant through VC

Ms. Manisha Aggarwal, Advocate for respondent through VC

This matter is taken up through Hybrid hearing.

1. The present appeal is filed to challenge the impugned order dated 18.09.2025 passed by DRT-II, Delhi in O.A. No. 650/2023 titled as **National Co-operative Development Corporation v. Mahua Co-operative Cold Storage Limited** whereby, I.A. bearing No. 2665/2025 filed by the appellant for condonation of delay of 29 days in filing the WS was dismissed.

2. The perusal of record reflects that the respondent filed O.A. bearing No. 650/2023 titled as **National Co-operative Development Corporation v. Mahua Co-operative Cold Storage Limited** against the appellant which is stated to be pending before DRT-II, Delhi.

3. The appellant was stated to be served with copy of O.A. on 18.01.2025 but the Written Statement was filed with a delay of 29 days beyond 45 days. The DRT-II, Delhi in the impugned order dated 18.09.2025 has observed that:

6. From perusal of the file it is clear that defendants have filed the IA for condonation of delay in filing the WS on the same grounds. On perusal of record, it is clear that the defendants have received the OA paper book on 18.01.2025 and time of 30 days to file WS expired on 17.02.2025. The defendants have filed their WS on 18.03.2025 along with condonation of delay application requesting for condoning of delay of 29 days in filing the WS. According to the provisions of the RDB Act, defendants are required to file the WS within 30 days, with a provision for an additional 15 days in

-2-

exceptional circumstances. Consequently, this Tribunal has no jurisdiction to extend the time for filing the WS beyond 45 days. In light of these circumstances, WS cannot be accepted and is liable to be dismissed, the IA no.2665/2025 is liable to be dismissed.

4. It is admitted fact that the appellant was served on 18.01.2025. The main contention of the appellant is that on 10.01.2025 Enforcement Directorate has conducted a raid at the premises of the appellant and during the said raid the relevant records including electronic records were seized by the Enforcement Directorate and due to this reason the delay was caused in filing the Written Statement.

5. Section 19(5)(i) provides that the defendant has to present the written statement of his defence within a period of 30 days from the date of service of summons along with original documents or true copies thereof. The proviso to the said section further provides that if the defendant fails to file the written statement within the said period of thirty days, it can be extended in exceptional and special circumstances to be recorded in writing for a period not exceeding 15 days. Section 19(5)(i) of the Act reads as under:-

Section 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. It is reflecting that the defendant has to file written statement within maximum period of 45 days. The issue whether there can be further extension beyond 45 days to file written statement was subject matter of consideration of superior courts. The High Court of Delhi in **Anita Garg and others V State Bank of India**, 2021 SCC OnLine Del 4311 in para 32 observed that Section 19(5)(i) of the

-3-

Act does not provide for forfeiture of right to file written statement if it is not filed within the stipulated time or the extended time but the written statement filed beyond the stipulated time or extended time cannot be brought on record. The relevant para 32 of the judgment is reproduced as under:-

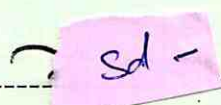
32. Though, Section 19(5)(i) does not, in terms, provide for the forfeiture of the right to file the written statement. If it is not filed within the stipulated time, or the extended time that could and may be granted, in our view, the consequence would be the same, as the written statement filed beyond the stipulated time, or extended time which could legally be granted for that purpose, cannot be brought on record. The intention of the Parliament can be gathered not only from the Statement of Objects and Reasons set out hereinabove, but also from the outer limit of time, for which extension may, in a deserving case by following the guideline laid down in the Section, be granted. The proceedings before the DRT are also proceedings arising out of commercial dealings and the disputes are commercial disputes. It would not stand to reason, that while the Parliament sought to enforce strict timelines for expeditious disposals of commercial disputes by enacting the Commercial Courts Act, it did not do so in respect of disputes of the same kind, decided by the Debt Recovery Tribunals. The only reason for not incorporating the forfeiture clause in Section 19 is, that the existing provision contained in Section 19 leads to the same conclusion.

8. The Supreme Court in New India Assurance Co. Ltd. V Hilli Multipurpose Cold Storage (P) Ltd., (2020) 5 SCC 757, considered the issue whether the stipulated time or extended time for filing the written statement under the Consumer Protection Act, 1986 which is similar to Section 19(5)(i) of the Act can be extended or not and observed that the time limit specified for filing the response to the complaint is mandatory and not directory. The relevant para 33 of the said judgment is reproduced as under:-

33. Once consequences are provided for not filing the response to the complaint within the time specified, and it is further provided that proceedings complying with the procedure laid down under sub-sections (1) and (2) of Section 13 of the Consumer Protection Act shall not be called in question in any court on the ground that the principles of natural justice have not been complied with, the intention of the legislature is absolutely clear that the provision of sub-section (2)(a) of Section 13 of the Act in specifying the time-limit for filing the response to the complaint is mandatory, and not directory.

-4-

9. The legal proposition as laid down by the Supreme Court was further re-affirmed and reiterated in **Daddy's Builders Private Limited & another V Manisha Bhargawa & another**, (2021) 3 Supreme Court Cases 669 and **Dr. Vijay Dixit & others V Pagadal Krishna Mohan & others**, 2024 SCC OnLine SC 2279. It is apparent from the pronouncement of the Supreme Court that Section 13 although in the context of the Consumer Protection Act, 1986 which is similar to the provisions contained in Section 19(5)(i) of the Act, the period of 45 days cannot be extended for filing the written statement by the defendant. The counsel for the appellant could not point out any specific legal provision where the filing of Written Statement can be extended beyond 45 days. There is no irregularity or illegality in the interim order passed by the DRT-II, Delhi which warrants any interference from this Tribunal. Hence, the appeal is dismissed.



(Dr. Justice Sudhir Kumar Jain)
Chairperson

-N/pk