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

+ **W.P. 7111/2012 & C.M. Nos.18391-92/2012**

PIYUSH COLONISERS LIMITED

..... Petitioner

Through: Mr. Rajiv Nayyar, Sr. Adv. with Mr.
Kapil Kher, Mr. Rishi Manchanda,
Mr. Gopender Gupta and Mr.
Siddhartha Jain, Advocates

versus

AJAY GUPTA & OTHERS

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

08.11.2012

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The petitioner is aggrieved by the cancellation of the earlier auction where he was the highest bidder. The petitioner has preferred an appeal before the DRT. In terms of the order dated 05.11.2012, the appeal has been entertained and listed for hearing on 07.12.2012, but interim order against fresh auction has not been granted. The petitioner has been permitted to participate in the fresh auction without deposit of EMD.

Learned senior counsel for the petitioner points out that the presiding officer of the DRAT is not holding court till 15.11.2012, and thus the petitioner has had to approach this Court under Article 226 of the Constitution of India.

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Having heard learned senior counsel for the petitioner, we are not inclined to stay the fresh auction but at the same time would not like to make the appeal filed by the petitioner infructuous. We, thus, make it clear that the fresh auction would be subject to the outcome of the appeal filed by the petitioner before the DRT or any other proceedings in case of any adverse order.

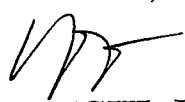
Learned senior counsel for the petitioner further points out that in terms of para 6 of the impugned order, e-auction cannot be confirmed without the approval of the tribunal. His apprehension is that if the DRT holds against the petitioner, further proceedings qua the relief ^{should} ~~shall~~ not be made infructuous.

We, thus, clarify that confirmation, if any, by the DRT would also be subject to any right of the petitioner to further assail that order before the appropriate forum.

The writ petition and the interim applications are accordingly disposed of.

Dasti to learned counsel for the petitioner under the signatures of the Court Master.


SANJAY KISHAN KAUL, J.


VIPIN SANGHI, J.

NOVEMBER 08, 2012

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