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

CNR No. DLHC010406382026

+ **CRL.M.C. 6384/2026**

M/S VIDHYA BHARTI SANSTHAN AND ANR Petitioners

Through: Mr. Shri Singh, Senior Advocate
with Mr. Sarthak Karol, Mr.
Akarsh Mathur, Ms. Neelakshi
Bhadauria, Ms. Arunima Nair, Mr.
Shashank Sharma and Ms.
Tanishka Pawar, Advocates.

versus

RELIGARE FINVEST LTD AND ANR Respondents

Through: Mr. Sanjeev Singh, Ms. Sandipa
Bhattacharjee, Ms. Anshita Argal
and Ms. Sneha Mondal,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **31.08.2026**

CRL.M.A. 26699/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 6384/2026 & CRL.M.A. 26698/2026 (for stay)

1. The petitioners have approached this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, against an order dated 24.08.2026 passed by the Magistrate's Court, wherein final arguments in proceedings under Section 138 of the Negotiable Instruments Act, 1881 ["NI Act"] were fixed for today, i.e. 31.08.2026, subject to costs of



Rs.20,000/- imposed upon them.

2. I have heard Mr. Shri Singh, learned Senior Counsel for the petitioners, and Mr. Sanjeev Singh, learned counsel for respondent No. 1 – complainant.

3. The case of the petitioners is that the proceedings under Section 138 of the NI Act have been instituted by respondent No. 1 in respect of a cheque allegedly issued by petitioner No. 1, towards repayment of a loan liability. It is submitted that respondent No. 1 has also instituted proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, for realisation of the loan amount. Further, proceedings for contempt of Court [CONT.CAS(C) 162/2020] have also been instituted, which are pending before this Court.

4. According to the petitioners, the parties were referred to mediation by this Court on 18.02.2026 in the aforesaid contempt petition, and the matter is next listed on 15.10.2026. On the last date of hearing before the Magistrate's Court on 19.08.2026, the proceedings were accordingly adjourned to 29.10.2026. However, it is contended that another order was issued on the same day by which the date of hearing was changed to 24.08.2026.

5. On 24.08.2026, the petitioners brought the aforesaid contention, with respect to the two orders dated 19.08.2026, to the attention of Magistrate's Court. Copies of the said two orders have been placed on record.

6. In the impugned order, the learned Magistrate has recorded that the date of 29.10.2026 was inadvertently given, but accepted the petitioners'



request for an adjournment, and the matter was fixed for final arguments today, i.e. 31.08.2026, subject to costs of Rs.20,000/-.

7. Having heard learned counsel for the parties, and with the consent of Mr. Singh, the costs of Rs. 20,000/- imposed on the petitioners by order dated 24.08.2026 are waived. It is apparent that, at the very least, there was some understandable confusion with regard to the next date of hearing. In such circumstances, imposition of costs for the failure of the petitioners to appear on 24.08.2026 was, in my view, unwarranted. However, I am informed that petitioner No. 2 is not available to appear before the Trial Court today for final arguments as he is not a resident of Delhi. Once the order dated 24.08.2026 had been passed, notwithstanding that it had been challenged before this Court, the petitioners ought to have been available to address final arguments today, as directed by the Magistrate's Court.

8. Nonetheless, the Magistrate's Court is directed to adjourn the matter by two days to enable the petitioners to appear and lead final arguments on 02.09.2026.

9. Petitioner No. 2 shall remain personally present before the Magistrate's Court on the aforesaid date, and if any adjournment is sought on behalf of the petitioners, their right to address final arguments shall stand closed.

10. The petition is disposed of in terms of the aforesaid.

PRATEEK JALAN, J

AUGUST 31, 2026/'pv'/SM/