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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9763/2015, CM APPL. 23457/2015

Date of Judgment : 5th November, 2015

M/S HARISH CHANDRA (INDIA) LTD. AND ORS.

..... Petitioners

Through : Mr. Pallav Saxena, Mr. Atul Shahi and
Ms. Bindu Das, Advocates.

versus

ANDHRA BANK AND ANR.

..... Respondent

Through : Mr. N. P. Gaur, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

1. Challenge in this writ petition is to the order dated 27.08.2015 passed by the Debt Recovery Appellate Tribunal (DRAT) by which an appeal filed by the petitioner herein against the order dated 15.12.2014 of Debt Recovery Tribunal (DRT) was dismissed. The Presiding Officer, Debt Recovery Tribunal declined to grant interim injunction in the SA filed by the petitioner herein.
2. Learned counsel for the petitioner submits that the property bearing No. 36 Kanal 13 Marla at Vaka Siwana, Mauja Sohana, District Gurgaon, Haryana could not have been a subject matter of sale in view of the explicit bar under Section 31 (i) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). Additionally it is submitted that the petitioner had challenged the sale of the property

on the ground that the respondent had failed to comply with the mandatory requirements of 30 days notice as provided under Section 8 Sub-Rule 6 of SARFAESI Act. Reliance is also placed by learned counsel for the petitioner on a judgment rendered by Hon'ble Supreme Court of India in case of *Mathew Varghese Vs. M Amriha Kumar and Ors. : (2014) 5 SCC 610*.

3. Notice. Mr. Gaur, learned counsel for the respondent No. 1/bank accepts notice and submits that the property in question already stands sold and sale certificate stands issued in favour of the Auction Purchaser.
4. Having regard to the subsequent events, no further orders are required to be passed in the writ petition. However, we direct the Presiding Officer, Debt Recovery Tribunal-II to decide the pending SA filed by the petitioner as expeditiously as possible and preferably within a period of eight weeks. Present writ petition along with all pending applications are disposed of in above terms.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

NOVEMBER 05, 2015

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