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

+ W.P.(C) 547/2015

M/S SSKS ESTATE PVT. LTD. & ANR. Petitioners

Through: Mr.Rajeeve Mehra, Sr.Adv. with
Mr.Rajat Sehgal and Ms.Shruti
Aggarwal, Advs.

Versus

STATE BANK OF INDIA & ORS. Respondents

Through: Mr.S.L.Gupta, Mr.Arjun Gupta and
Mr.Davesh Vashishtha, Advs. for R-1
to R-4.
Mr.Jagat Mehta, Adv. for R-5 and R-
6.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **27.01.2016**

1. The petition impugns the order dated 17th December, 2014 of the Chief Metropolitan Magistrate rejecting the objections filed by the two petitioners to the application of the respondents No.1 to 4 Banks under Section 14 of the Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002 (SARFAESI), thereby rejecting the claim of the two petitioners of being *bona fide* tenant in the property and being not liable to deliver the possession thereof to the respondents No.1 to 4 Banks.

2. Senior counsel for the petitioners, under instructions, states that subject to time till 30th April, 2016 being given to the petitioners to vacate the premises, the petitioners would not press this petition.
3. Counsel for respondents No.5 and 6 and of which respondent No. 6 is the owner/landlord of the property possession whereof is sought to be taken by respondents No.1 to 4 Banks has also been heard on this aspect.
4. Counsel for respondents No.1 to 4 Banks states that time sought till 30th April, 2016 is too long as there are huge outstanding of respondents No.1 to 4 Banks. He further states that the time, if any, granted to the petitioners subject to the undertaking of the Directors of the two petitioners to handover vacant physical possession to the authorised officer of respondent No 1-Bank.
5. Mr. Om Prakash Yadav and Mr. Prasant Batra, Director of the two petitioners, identified by the counsel for the petitioner, present in court undertake to this Court to, (a) on or before 30th April, 2016 handover vacant peaceful physical possession of the entire property No. 12, Navjeevan Vihar, New Delhi comprising of basement, ground, first and second floors to the authorised officer of

respondent No.1 State Bank of India Stressed Assets Management Branch Bhopal; (b) within three weeks of today pay to the respondent No.1 State Bank of India arrears of rent due from 1st April, 2015 @ total Rs.1,10,000/- i.e. Rs.50,000/- by petitioner No. 1 and Rs.60,000/- by petitioner No.2 till 31st January, 2016; and, (c) w.e.f. February, 2016 pay rent at aforesaid rate to the respondent No.1 in advance for each month by 10th day of the month till the month of vacation of the premises.

6. The aforesaid undertakings are accepted and the said persons are ordered to be bound thereby.

7. On enquiry, the said persons state that besides them nobody else is in control of possession of the premises and they would be in a position to comply the undertaking and have understood the consequences of breach of undertaking given to the Court.

8. Granting such time to the petitioners, the petition is dismissed as withdrawn.

No costs.

RAJIV SAHAI ENDLAW, J.

JANUARY 27, 2016

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