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

+ W.P.(C) 2652/2016

PARTHO BHATTACHARYA & ORS Petitioners
Represented by: Mr.P.Bhattacharya, Advocate.

versus

LD. PRESIDING OFFICER, DEBT RECOVERY
TRIBUNAL-II & ANR Respondents
Represented by: Mr.Rama Subba Raju,
Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

29.03.2016

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1. This is the fourth writ petition filed on the same issue. In view of the order dated February 28, 2012 passed by the Debts Recovery Tribunal-III in S.A.No.142/2012 we are not inclined to entertain the instant writ petition.
2. The order dated February 28, 2012 passed by the DRT-III reads as under:

“Shri Partho Bhattacharya, the respondent no.4 who is present in person today, submits that they are ready and willing to give the enough security to the bank in lieu of release of the property bearing House no.21/15, “Southern Portion” Shakti Nagar, Delhi-110007 (hereinafter the property in question). He also seeks some time to liquidate the dues of the respondent bank as he has admitted the availment of the loan from the respondent bank. He further submits that Shri Rajesh Kumar, one of the relative of the applicant herein in connivance with the bank officials namely Shri R.Sundarajan and Shri Sangaria has committed fraud with him.

2. *After hearing the parties at length, I hereby direct Shri Partho Bhattacharya, the respondent no.4 to approach the respondent bank alongwith a settlement proposal and an affidavit-cum-undertaking to this effect that he will give enough security to the bank in lieu of the release of the property in question within one month and the bank will give its decision before the next date of hearing.*

3. *Till then, the respondent bank shall not proceed further under the SARFAESI Act, 2002 in respect of the property in question.*

4. *In the meantime, the respondents are hereby directed to file their respective reply to this S.A. before the next date of hearing with advance copy of the same to the ld counsel for the applicant. Thereafter rejoinder, if any, may be filed.*

Matter be listed on 25.04.2012 for further proceedings.

DASTI."

3. The writ petition is dismissed.

CM No. 11231/2016

Application is dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

MARCH 29, 2016

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