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

+ W.P.(C) 4384/2016

ARCIL

..... Petitioner

Represented by: Mr.R.S.Raju, Advocate with
Ms.Monika Yadav, Advocate

versus

THE REGISTRAR DRT-I, DELHI & ORS

..... Respondents

Represented by: Mr.L.K.Giri, Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **20.07.2016**

1. Learned counsel appears for the contesting respondent and since a legal issue arises we have heard arguments.
2. Learned counsel for the respondent does not dispute that as per the law declared by the Full Bench of this Court in the decision dated September 13, 2012 in W.P.(C) No.3957/2012 Amish Jain & Anr. Vs. ICICI Bank Ltd., since the secured asset is in Rajasthan, the remedy under SARFAESI has to be availed before the DRT in Rajasthan.
3. The only argument advanced is that the judgment was pronounced on September 13, 2012. The respondent resorted to the remedy under SARFAESI on January 11, 2012. The argument is that the judgment in Amish Jain's case does not state that it would be retrospectively applicable and thus the judgment would be perspective.

4. The argument is noted and rejected for the reason every judgment declares the law and is always read as retrospective from the date when the law interpreted came into force unless the judgment is specifically made prospective in its operation.
5. Therefore, the writ petition is allowed.
6. Impugned orders are quashed.
7. SA filed by the respondent is transferred to the DRT having jurisdiction with reference to the situs of the mortgaged property.
8. No costs.

CM No.18358/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

JULY 20, 2016

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