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

+ W.P.(C) 4959/2016

M/S V & K ASSOCIATES

..... Petitioner

Through

Mr. Arvind Kumar & Mr. C.S. Chauhan,
Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through

Mr. Atul Sheopuri & Mr. Vinod Kumar,
Advocates for respondent No. 1.

Ms. Lucky Palta, Advocate for
respondent Nos. 2 & 3.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

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15.11.2016

CM No. 42320/2016 (delay of 35 days in filing rejoinder)

For the reasons given in the application, the same is allowed and the delay of 35 days in filing the rejoinder is condoned.

The application is allowed and disposed of. Rejoinder is taken on record.

W.P.(C) 4959/2016

With the consent of the petitioner and the respondent No.1, the impugned order dated 28.07.2015 in Appeal No. 238/2015 is set aside and order of Recovery Officer dated 28.02.2013 in R.C No. 22/2007 is restored. The learned Receiver appointed by the Debt Recovery Tribunal/Recovery Officer shall restore possession of the property being the subject matter of the present suit to the petitioner within two weeks and shall file a report before Recovery Officer within two weeks regarding status of the property with its fixtures and movables.

Respondent No. 1 is at liberty to proceed against other properties of Judgment Debtor before DRT in accordance with law. It is noted that petitioner in the present writ petition is not the Judgment Debtor. The petitioner will not alienate the property and will not surrender possession thereof except on the direction, and/or order of any Court of law. The Receiver appointed by DRT will stand discharged after handing over the property to the petitioner.

Needless to mention that the petitioner shall comply with his obligation of payment of occupation charges/rates/maintenance charges in place of the respondent No. 1 before the date of making over of possession to the petitioner.

CM No. 20607/2016 (stay)

In view of the order passed by the consent of the petitioner and the respondent No. 1, the application being CM No. 20607/2016 has become infructuous.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

NOVEMBER 15, 2016

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