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

+ W.P.(CRL) 1160/2015, CRL.M.A.Nos.8339/2015 & 4927/2016

MOHAN LAL CHOPRA Petitioner
Through: Mr.Vivek Aggarwal, Advocate.

versus

STATE BANK OF INDIA & ORS Respondent
Through: Mr.S.N.Relan, Advocate for R-1 with
Mr.Abhinav Thareja, Advocate.

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
26.04.2016

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1. The petitioner has invoked the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India praying for setting aside the order dated 23.01.2015 and issuance of directions to respondent no.1/Bank as well as to the Receiver appointed by the learned CMM not to take physical possession of the shop in question as he is a tenant in the said shop prior to creating mortgage by the respondent No.3 in respect of the said shop.
2. Today learned counsel for the respondent No.1 has placed on record the copy of the certificate dated 17.03.2016 issued by Chief Manager, SBI, Stressed Assets Recovery Branch, 23, Najafgarh Road, New Delhi, which reads as under:

"It is certified that M/s J.J.Enterprises, Prop. Shri Mohinder Singh (File No.5677) who availed the cash credit facilities (Account No.30018032837) from Sant Nirankari Colony

Branch New Delhi have paid the bank's dues, settled under OTS Scheme 2015 and do not owe any further amount/liability in respect of the above account.

This certificate has been issued without prejudice of bank's right to recover from the borrower/guarantors any sum if it transpires at any point of time that they are indebted to the bank in any manner whatsoever."

3. In the given circumstances, since the borrower i.e. respondents No.2 and 3 have already entered into one time settlement with the respondent No.1/Bank under OTS Scheme 2015 and paid all the bank dues, there is no threat to the petitioner of being dispossessed from the tenanted premises.
4. The writ petition is dismissed for having become infructuous.

PRATIBHA RANI, J.

APRIL 26, 2016
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