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

+ W.P.(C) 1645/2017

M/S CHANDRA ESTATES PRIVATE LIMITED Petitioner
Through Mr. Sacchin Puri, Senior Advocate with
Mr. Bharat Arora and Ms. Mehak,
Advocates

versus

PUNJAB AND SIND BANK & OTHERS Respondents
Through Mr. Rajinder Wali, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V.KAMESWAR RAO

ORDER

% **22.02.2017**

CM.APPL 7406/2017(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C).1645/2017 & CM.APPL 7405/2017(stay)

This matter has been placed before this Court on transfer and has been shown in the Typed Supplementary List.

The petitioner is aggrieved by the order dated 20.02.2017 passed by the Recovery Officer, DRT-I by which the prayer made for urgent hearing of the application for stay seeking *ex parte* injunction of the proceedings with respect to property bearing No.23, Jor Bagh, New Delhi and the objections filed by the petitioner was declined and notice was issued for 09.03.2017, the date already fixed.

Mr. Puri, learned Senior Counsel for the petitioner submits that the petitioner has been in settled possession of the aforesaid property in question since 04.01.1983, which is in the knowledge of the respondent bank. He submits that the Recovery Officer has appointed three receivers to take possession of the aforesaid property. It is submitted by the learned Senior Counsel for the petitioner that in case the matter is not heard expeditiously by the Recovery Officer, the same would be rendered infructuous. Learned Senior Counsel submits that since the copy of the order was not available, he has filed the present writ petition invoking the extraordinary jurisdiction of this Court.

Mr. Rajinder Wali, learned counsel appearing for the Bank submits that the petitioner has all along been well-aware that this property is mortgaged with Punjab and Sind Bank. The petitioner has been a party to various proceedings which is evident upon reading copies of the pleadings and the orders already placed on record. He submits that the petitioner is only attempting to frustrate the orders passed by the Recovery Officer for possession. He submits that the earlier objections filed by the petitioner have been dismissed against attachment.

We have heard the learned counsels for the parties. We find force in the submission made by the learned Senior counsel for the petitioner that in case the possession of the property is taken over by the Receiver, it would render the objections and application for stay infructuous. Accordingly, we dispose of this writ petition at the admission stage, with the following directions:-

- (i) The respondent-Bank will file reply to the application for *ex parte* injunction by 27.02.2017; rejoinder by 01.03.2017.
- (ii) The Recovery Officer shall hear the application for injunction on 01.03.2017.
- (iii) Till the disposal of the stay application, the order appointing Receiver dated 20.02.2017 shall be kept in abeyance.
- (iv) No adjournment will be granted to the petitioner.

- (v) The petitioner is restrained from changing the status of the property and will not create any third party rights.
- (vi) The Recovery Officer will decide the application and objections unaffected by any observations made in this order.

The writ petition stands disposed of.

CM.APPL 7405/2017 also stands disposed of.

Dasti to the parties, under the signatures of the Court Master.

G.S.SISTANI, J

V.KAMESWAR RAO, J

FEBRUARY 22, 2017/pst /

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