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

+ **W.P.(C) 5031/2016**

**STATE BANK OF INDIA** ..... Petitioner  
Through: Mr. Bheem Sain Jain, Advocate

versus

**DUTTA & DUTTA FILMS (INDIA) LTD. & ORS.....** Respondents  
Through: Ms. Bindu Das and Ms. Shradha Singh,  
Advocates for R-1 to R-3.  
Mr. Bijoy Kumar Pradhan, Advocate with  
Mr. Vineet Ranjan, Advocate for R-4.

**CORAM:**  
**HON'BLE MS. JUSTICE HIMA KOHLI**

**ORDER**  
**13.01.2017**

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1. Appearance is entered by the counsel for the respondents No.1 to 3 and respondent No.4.
2. The present petition has been filed by the petitioner/Bank praying *inter alia* for issuing directions to the learned CMM, to pass appropriate orders for taking over the physical possession of the subject premises, i.e., DD-232, Western Marg, Saidulzab, M.B. Road, Mehrauli, New Delhi, from the respondents No.1 to 3 and for setting aside the order dated 04.12.2015, passed by the learned CMM in CC No.67/1/S.
3. By the impugned order dated 04.12.2015, the learned CMM had rejected the prayer made in an application filed by the petitioner under Section 14 of the Securitization and Reconstruction of Financial Assets and

Enforcement of Security Interest Act, 2002, for appointment of a Court Receiver and for police assistance, on the ground that the High Court had ordered the parties to maintain *status quo* in respect of the subject premises in **W.P.(C) 4552/2015** entitled “Abha Dutta vs. Union of India”.

4. Though the predecessor Bench had opined that it would serve the petitioner’s purpose if the Bank would file an application in the aforesaid writ petition for clarification, the petitioner had not taken any such measures. Instead, the petitioner/Bank kept waiting on the sidelines, till the order dated 06.09.2016 was passed by the Division Bench in the captioned writ petition. A copy of the said order dated 06.09.2016, disposing of the petition is handed over by the counsel for the petitioner and taken on record.

5. Learned counsel for the petitioner/Bank submits that in view of the fact that the captioned petition has been disposed of, the petitioner shall now approach the learned CMM with a fresh application for seeking appropriate orders or for revival of the previously filed application.

6. Leave, as prayed for, is granted. The petition is disposed of.

**HIMA KOHLI, J**

**JANUARY 13, 2017**

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