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

+ **W.P.(C) 4400/2017 & CM APPL.19206-19207/2017**

**LAL BHAHADUR SINGH & ORS**

..... Petitioners

Through: Mr. Arvind Sah with Dr. Kumar Jwala &  
Mr. Rajiv Ranjan Mishra, Advocates with  
petitioner No.1 in person.

versus

**PUNJAB NATIONAL BANK**

..... Respondent

Through: Mr. Hashmat Nabi, Advocate with Mr. C.S.  
Gupta, Chief Manager for respondent/PNB.

**CORAM:**

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

**HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL**

**ORDER**

**23.05.2017**

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1. This order is in continuation of order dated 19.05.2017.
2. Learned counsel for the petitioner No.1 states that the petitioners have been able to arrange a sum of Rs.20 lacs and have deposited the same with the respondent/Bank, as undertaken on last date of hearing.
3. Mr. Hashmat Nabi, learned counsel for the respondent/Bank states that the cheque that was handed over by the petitioners to the respondent/Bank was for a sum of Rs.1 crore, had bounced and even as on date, a sum of Rs.80 lacs is liable to be paid by the petitioners to the respondent to make up for the dishonoured cheque. He further states that the respondent/Bank has scheduled an e-auction in respect of the ground floor and the second floor of the subject premises on 14.06.2017, and as per the valuation report of the said floors, the minimum reserve price has been fixed at Rs.1.28 crores for the ground floor and Rs.1.20 crore for the second floor. As on date an

amount of Rs.4.70 lacs is payable to the respondent/Bank and even if the two floors in question are sold at the minimum reserve price, it would not fetch sufficient amount to satisfy the outstanding amount due and payable by the petitioners.

4. Learned counsel for the petitioners states on instructions from the petitioner No.1 that he is ready and willing to hand over the vacant peaceful possession of the basement of the subject premises to the respondent/Bank so that the same can also be auctioned.

5. In view of the submission made hereinabove, it is directed that an officer of the respondent/Bank shall visit the subject premises on 29.05.2017 at 11:00 a.m from the petitioner No. 1 to hand over the vacant possession of the basement of the subject premises.

6. Having regard to the fact that the scope of the appeal filed by the respondent/Bank before the learned DRAT was limited to a grievance raised against the order dated 28.12.2016 passed by DRT-III that had granted the petitioners time upto 18.03.2017 to liquidate the entire amount of the respondent/Bank and the said period has already expired, nothing further survive for adjudication in the said appeal which is accordingly disposed of.

7. The respondent/Bank is permitted to take steps to conduct the auction of the basement, ground floor and the second floor of the subject premises. The petitioner is at liberty to participate in the said auction proceedings. The amount recovered from the sale of the three floors on conclusion of the auction proceedings shall be adjusted towards the outstanding dues payable by the petitioners to the respondent/Bank and the balance amount, if any, shall be remitted to the petitioners.

8. The respondent/Bank shall file an affidavit before the DRT furnishing inter alia, the details of the amounts recovered on conducting the auction and thereafter seek further orders in respect of the remaining two floors in the possession of the petitioner No.1, namely, the first and third floor of the subject premises, if necessary.

9. The petition is disposed of.

**HIMA KOHLI, J**

**SANGITA DHINGRA SEHGAL, J**

**MAY 23, 2017/afa**

