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

+ W.P.(C) 10191/2017 and CM Nos. 41617-18/2017

M/S UDAY ESTATES PVT. LTD.

..... Petitioner

Through: Mr A.K. Mata, Sr Adv with
Mr Sanjay Kumar Sharma, Adv

versus

ASSET RECONSTRUCTION COMPANY (INDIA) LIMITED
(ARCIL)

..... Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **17.11.2017**

Petitioner is aggrieved by the notice dated 28.10.2017 issued by respondent wherein the respondent had sought to take possession of the mortgaged / secured assets of the petitioner. Learned senior counsel for the petitioner points out that an appeal No. 318/2016 is pending before the DRAT and the next date fixed before the DRAT is 14.12.2017. Learned senior counsel for the petitioner points out that a review petition had also been filed seeking review of the order dated 29.09.2017 for which notice has also been issued for 14.12.2017. Submission is that if the impugned letter dated 28.10.2017 is given effect to, the whole purpose of the appeal which is pending before the DRAT as also the review petition will become infructuous. Noting

these submissions of the learned senior counsel for the petitioner, this court is of the view that it is advisable for the petitioner to go back to the appropriate forum which would be the DRAT to apprise them of the aforementioned facts. Learned senior counsel for the petitioner submits that an appropriate application in this regard will be made within two days from today i.e., by 20.11.2017. No coercive action may be taken till 14.12.2017.

Petition disposed of in the above terms.

Dasti under signature of the Court Master.

INDERMEET KAUR, J

NOVEMBER 17, 2017

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