

\$~31 & 32

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

+ W.P.(C) 3514/2018

SONIA HOSPITAL PVT LTD

..... Petitioner

Through

Mr.Pankaj Vivek, Ms. Bidya Rani
and Mr. Atul Tripathi, Advocates

versus

UNION OF INDIA & ANR

..... Respondents

Through

Mr. Akshay Makhija, CGSC with
Ms. Divya Kapur, Ms.Seerat Deep
Singh, Mr. Aditya Goyal and
Ms. Mahima Bahl, Advocates for
respondent no.1
Mr. S.K.Gaur, Advocate for
respondent no.2

32

+ W.P.(C) 3515/2018

ABHINAV KUMAR

..... Petitioner

Through

Mr.Pankaj Vivek, Ms. Bidya Rani
and Mr. Atul Tripathi, Advocates

versus

UNION OF INDIA & ANR

..... Respondents

Through

Mr. Akshay Makhija, CGSC with
Ms. Divya Kapur, Ms.Seerat Deep
Singh, Mr. Aditya Goyal and
Ms. Mahima Bahl, Advocates for
respondent no.1
Mr. S.K.Gaur, Advocate for
respondent no.2

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **10.04.2018**

CM No. 13850/2018 (Exemption) in WP(C) No. 3514/2018
CM No. 13852/2018 (Exemption) in WP(C) No. 3515/2018

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

W.P.(C) 3514/2018 & CM No. 13849/2018 (stay)
W.P.(C) 3515/2018 & CM No. 13851/2018 (stay)

Issue notice.

During the course of hearing, counsel for the respondent has stated that the appeal preferred by the petitioners can be heard in case the petitioners deposit Rs.3 lacs per month for use and occupation charges for ground floor and Rs. 1 lac per month for the lower ground floor w.e.f. 1st October, 2015 subject to adjustment of use and occupation charges already paid to the bank.

Counsel for the petitioners states that this would be acceptable to the petitioners.

Petitioners would deposit with the bank, use and occupation charges/rent at the rate of Rs.3 lacs per month for the ground floor and Rs.1 lac for the lower ground floor w.e.f. 1st October, 2015 minus the amount already paid to the respondent bank at the aforesaid rate within two months in two equal instalments. First instalment would be paid on or before 10th May, 2018 and the second instalment would be paid on or before 8th June, 2018.

Undertaking to the said effect would be filed by the petitioners

in this Court within ten days.

Subject to the aforesaid payments being made and use and occupation charges of the said rates being paid by the petitioners in future, the Appeal No.85/2018 arising out of SA No. 61/2016 would be heard and decided by the Debt Recovery Appellate Tribunal as expeditiously as possible. Counsel for the petitioners has assured that the petitioners would not seek and pray for adjournment before the Appellate Tribunal.

Recording the aforesaid, the impugned order dated 12th March, 2018 is partly modified.

In view of the aforesaid concession and order passed, the petitioners have given up challenge to vires of Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

The writ petitions are accordingly disposed of, with no order as to costs.

Dasti under signature of the Court Master.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

APRIL 10, 2018/mw/mr