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

+ **W.P.(C) 6856/2018 & CM Nos.26059-60/2018**

UTTARA JAIN

..... Petitioner

Through: Mr. Gautam Awasthi, Mr. Ayush
Choudhary & Mr. Devanshu Yadav,
Advocates

versus

STATE BANK OF INDIA

..... Respondent

Through: Mr. Puneet Relan & Mr. S.N. Relan,
Advocates

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **05.07.2018**

This writ petition has been listed, pursuant to the urgent mentioning and directions from Hon'ble the Acting Chief Justice.

Counsel have been informed that spouse of one of us (Sanjiv Khanna, J.) holds some shares in the State Bank of India ('SBI'). Counsel state that they have no objection to this Bench hearing the present petition.

Learned counsel for the SBI, who is present in Court on advance notice, states that e-auction notice dated 18.5.2018 pertains to 25% undivided share of Late Amit Jain in property bearing Nos.5 and 8, Pratap Singh Building, Janpath Lane, New Delhi-110 001, which would ad measure 75 sq. yards on ground floor and 75 yards on the first floor with proportionate share in roof rights. Apprehension of the petitioner that her share is being sold is misconceived and incorrect.

Statement made by the counsel for the SBI is taken on record and they would be bound by this statement.

Learned counsel for the petitioner has also submitted that Punjab National Bank has filed proceedings with regard to sale of 25% share of Late Amit Jain in the same property.

We do not see any reason and ground for stay of the e-auction, in view of the statement made by learned counsel for the respondent Bank that 25% undivided share of Late Amit Jain in property Nos.5 and 8, Pratap Singh Building, Janpath Lane, New Delhi-110 001 on the ground floor and the first floor, with roof rights, has been put to e-auction. Share of the petitioner in the said property is not being put to e-auction. In case there is any dispute or debate between SBI and Punjab National Bank, it is for the said public sector banks to resolve or get the lis adjudicated. We would not stay the e-auction on a Writ Petitioner filed by a third person.

It is stated that the petitioner has filed application(s) before the Debt Recovery Tribunal ('DRT'). We have not made any observations and commented on these application(s). They would be decided in accordance with law.

Recording the aforesaid observations, the writ petition is dismissed. All the pending applications are also dismissed. No costs.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

JULY 05, 2018/tp