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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 10013/2018

M/D EXCLUSIVE OVERSEAS PVT. LTD. .... Petitioner

Through Mr.Sanjay Ghose, Adv. with  
Mr.Rajeev Aggarwal & Mr.Shwetank  
Singh, Advs.

versus

CORPORATION BANK

..... Respondent

Through

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**24.09.2018**

**CM No. 39010/2018**

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

**W.P.(C) 10013/2018 & CM No. 39011/2018**

1. The petitioner has filed the present petition, *inter alia*, praying that respondent bank be directed to decide the representations dated 12.02.2018 and 28.08.2018. The petitioner also prays that the respondent bank be directed to withdraw the demand notice issued dated 18.11.2017 under Section 13(2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter 'SARFAESI Act') as well as the possession notice dated 19.02.2018 issued under section 13(4) of the SARFAESI Act. In addition, the petitioner also impugns the sale notice

dated 07.09.2018 whereby the respondent bank has indicated that e - auction would be conducted for sale of the property described as under:

Plot No. 27 of Bommasandra IV Phase; Industrial Area, situated in Sy. No. 46-Part of Yarandhally Village, Jigani Hobli, Anekal Taluk, Bangalore Urban District admeasuring 2808 sq. Mtrs (hereafter 'the Property').

2. The petitioner had filed a similar writ petition (W.P.(C) 9353/2018) which was disposed of by an order dated 06.09.2018. In the said order, this Court had clearly indicated that no interference with the proceedings under the SARFAESI Act were warranted, as it was an admitted position that the petitioner was indebted to the respondent bank. However, this Court while disposing of the petition had also directed that before accepting any offer for sale of the property, the respondent bank would consider the petitioner's representation which was stated to be pending.

3. Mr.Ghose, learned counsel appearing for the petitioner states that petitioner is not aware as to the fate of the auction that was scheduled to be held on 06.09.2018, however, the petitioner has now received another notice dated 07.09.2018, which he states was dispatched on 10.09.2018. He states that the date of the said notice, as published in the newspapers, is also reflected as 10.09.2018. He contends that the only conclusion that can be drawn is that the said notice was antedated. He further apprehends that the respondent would attempt to overcome the order of this Court by contending that the direction to decide the petitioner's representation was only in respect of the e-auction that was scheduled on 06.09.2018.

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4. In view of above, it is clarified that the direction to consider the petitioner's representation before accepting any offer for sale of the Property was not limited to the auction to be conducted on 06.09.2018. The respondent is required to dispose of the representation of the petitioner prior to accepting any offer for sale of the Property.

5. In view of the said clarification, no further orders are required to be passed in this petition. The petition is disposed of. The pending application also stands disposed of.

6. Order *dasti* under signatures of the Court Master.



**VIBHU BAKHRU, J**

**SEPTEMBER 24, 2018**

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