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

Date of Decision: 28.09.2018

+ W.P.(C) 10186/2018 & CM APPL.39682/2018

VARINDER KUMAR GANDHI AND ANR. Petitioners

Through: Mr. Raman Gandhi with Ms. Harsha
Sharma, Advs.

versus

MS PRIYANKA BHATIA AND ORS. Respondents

Through: Mr. Rajiv Kumar, Adv. for R-3 & R-4

+ W.P.(C) 10335/2018 & CM APPL.40321/2018

RANJEET MISHRA Petitioner

Through: Mr. Raman Gandhi with Ms. Harsha
Sharma, Advs.

versus

PRIYANKA BHATIA & ORS Respondents

Through: Mr. Rajiv Kumar, Adv. for R-3 & R-4

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

CM APPL. 40322/2018 in W.P.(C) 10335/2018 (*exemption*)

Allowed, subject to just exceptions.

The application stands disposed of.

W.P.(C) 10186/2018 & W.P.(C) 10335/2018

1. Having heard the learned counsel for the parties, we find that instead of challenging the order passed by the Debt Recovery Tribunal, these writ petitions have been filed by the petitioners directly under Article 226 of the Constitution without taking recourse to the statutory remedy available under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act).

2. Keeping in view the aforesaid, we dispose of both the writ petitions with the following directions:

- (i) Petitioners are granted liberty to file an appeal before the Debt Recovery Appellate Tribunal under Section 18 of the SARFAESI Act within a period of 15 days from today.
- (ii) On the same being done, the Debt Recovery Appellate Tribunal shall proceed to decide the matter in accordance with law.
- (iii) For a period of four weeks interim order dated 25th September, 2018 passed in W.P.(C) 10186/2018 shall remain in operation in both the matters.

3. Accordingly, the writ petitions along with the pending applications stand disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

SEPTEMBER 28, 2018/ns