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

+ **W.P.(C) 12050/2018**

PNB HOUSING FINANCE LIMITED Petitioner
Through: Mr. Sanjeev Singh, Adv.

versus

STATE BANK OF INDIA AND ORS. Respondents
Through: Mr. S.L. Gupta and Ms. Kajal
Dhariwal, Advs. for R-1.
Mr. Hitesh Sachar, Mr. Sashwat Jain and
Ms.Aayushi Jain, Advs. for R-2

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO
ORDER
% **12.11.2018**

CM Nos. 46669-46670/2018 (exemptions)

Allowed, subject to all just exceptions.

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Challenging the order dated 30.09.2018 passed by the DRT-III, New Delhi this petition has been filed by the petitioner. However, we find that at the instance of the State Bank of India, the possession of the property in question i.e. House No.1821-A situated at Sector 10-A, Gurgaon, Haryana is taken over on 29.05.2015 and all the dues viz-a-viz the State Bank of India and the borrower have been worked out in pursuance to earlier order passed in proceedings initiated by the State Bank of India.

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That being so, now after the earlier order passed by the DRT has been worked out and implemented at the instance of the petitioner, we are not inclined to interfere into the matter. However, the legal question involved in the matter pertaining to interpretation of Section 11 of the SARFAESI Act, 2002 and the legal issue consequent thereto is kept open to be considered at an appropriate stage in an appropriate case.

With the aforesaid observation, the writ petition stands disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 12, 2018/*ns*