

\$~105

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13103/2018, CM Nos. 50867-50869/2018**
VIVEK KUMAR AGGARWAL

..... Petitioner

Through: Mr. Anuj Chauhan, Adv.

versus

ORIENTAL BANK OF COMMERCE & ORS.

..... Respondent

Through: Mr. Punit K. Bhalla, Adv. for R-2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

04.12.2018

CM Nos. 50868-50869/2018

Exemption allowed subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 13103/2018 & CM No. 50867/2018

If the petitioner has filed an appeal before the Competent Authority challenging the order of the Recovery Officer dated 20th September, 2018 and thereafter the sale proclamation issued on 3rd November, 2018, the petitioner should prosecute the appeal filed. The grievance of the petitioner, that the appeal is listed in February, 2019 and is not being heard, is not a ground to exercise our extraordinary jurisdiction under Articles 226 and 227

of the Constitution of India, when the petitioner can now file an interlocutory application seeking stay of the proceedings, particularly the sale proclamation issued on 3rd November, 2018. We are hopeful that the Appellate Authority would consider the appeal in accordance with law.

With the aforesaid liberty, the appeal is disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

DECEMBER 04, 2018/ak