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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) No. 14073/2018 and C. M. No. 54886/2018 (for exemption) and 54887/2018 (for ex-parte interim orders)**

RAKSHA SHARMA & ANR

..... Petitioner

Through: Ms. Reema Khorana, Mr. Sidharth
Chopra, Mr. Aman Bhalla and
Mr. Navneet Thakran, Advs.

versus

CORPORATION BANK

..... Respondent

Through: Mr. Alok Kumar, Ms. Prarthna Dogra
and Ms. Snigdha Singh, Advs.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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26.12.2018

The petitioner has filed the writ petition seeking quashing of impugned order dated 17.12.2018 passed by DRAT in Misc. Appeal No. 610/2018 and order dated 10.12.2018 passed by DRT.

Learned counsel for petitioner submits that the respondent bank had not served the petitioner with either a notice under Sections 13(2) and 13(4) of the SARFAESI Act or the mandatory notice under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002. She contends that forcible possession of the property has been taken over on 10.12.2018 and the property is now being put up for auction.

The DRT vide its order dated 10.12.2018 has rejected the

objections of the petitioner and declined to interfere in the matter. Insofar as the DRAT is concerned, the matter is pending and the question involved therein is about the pre-deposit.

Learned counsel for the petitioner submits that while the interim relief sought is of stay of the auction, she would be content in case the property is put to sale, as long as the sale certificate is not issued.

Having heard the learned counsel for the parties, we are of the view that the issue of pre-deposit will be appropriately considered by the DRAT. Insofar as the auction of the property is concerned, the same may be put to sale. However, the sale certificate shall not be issued and any further proceedings will be subject to the outcome of the Securitisation Application as provided in the SARFAESI Act.

The writ petition is disposed of in the above terms.

Order *dasti* under signature of the Court Master.

JYOTI SINGH
(VACATION JUDGE)

ANUP JAIRAM BHAMBHANI
(VACATION JUDGE)

DECEMBER 26, 2018
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