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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10638/2019 & CM APPL. 54131/2019 (impleadment)**

MAMTA GOYAL

..... Petitioner

Through

Mr. Kirti Uppal, Sr. Advocate with
Mr. Sidharth Chopra and Mr. Aditya
Awasthi, Advocates

versus

UNION OF INDIA AND ORS.

..... Respondents

Through

Mr. Sanjeev Bhandari with
Mr. Prateek Kumar, Advocates for
Respondent No.3
Mrs. Nishi Chaudhary, Advocate for
Respondent/Punjab National Bank

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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19.12.2019

CM APPL. 54131/2019

1. This is an application by Mrs. Madhu Kharbanda the second auction purchaser who, pursuant to a bid made by her of Rs. 4.17 crores against the reserved price of Rs. 4.15 crores further to the Auction Notice dated 7th September, 2019, had already deposited with the Respondent Punjab National Bank ('PNB'), the 25 % initial deposit in the sum of Rs.1.05 crores.

2. The Applicant, apart from seeking impleadment in the present petition, in light of the developments subsequent to the auction, seeks to either withdraw from the auction and be refunded the above sum, together with

any interest accrued thereon, or to be permitted to deposit the remaining sum and expedite the hearing of the main petition.

3. Mr. Sanjeev Bhandari learned counsel appearing for the Applicant on instructions states that having examined the orders passed by the Court from time to time, his instructions from the Applicant are to withdraw from the auction conducted on 17th September, 2019 and seek refund of the sum of Rs.1.05 crores together with the interest accrued thereon.

4. Learned counsel appearing for the PNB and learned counsel for the other parties have no objection to this request.

5. Accordingly, the application is disposed of by permitting the Applicant to withdraw her bid and with a consequent direction to the Respondent/PNB to refund to Mrs. Madhu Kharbanda the aforesaid sum of Rs.1.05 crores, together with the interest accrued thereon, not later than 26th December, 2019.

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6. In view of the fact that the second auction has been cancelled by virtue of the withdrawal of the successful bidder, the main grievance of the Petitioner does not survive.

7. Learned counsel for the Petitioner however submits that he should be permitted to make a submission before the DRT on the need for a fresh auction with the second auction having been set at naught.

8. The appeal filed by the present Petitioner before the DRAT being Misc. Application No. 382/2019 has been rendered infructuous and, is disposed of as such by this order. This will be brought to the notice of the DRAT by the Petitioner by producing this order on the next date that the said appeal is listed for hearing.

9. The parties are now relegated to the Debt Recovery Tribunal-I ('DRT-I') before which, notwithstanding the earlier order dated 4th September, 2019, the present Petitioner and other parties are at liberty to make fresh submissions as regards the need for any fresh auction. The DRT-I will pass orders afresh on the submission of the parties.

10. The petition is disposed of in the above terms. The next dates in the present petition, before the Registrar on 28th January, 2020 and before the Court on 16th March 2020, stand cancelled. The

11. A copy of this order be given *dasti* under the signatures of Court Master.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 19, 2019

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