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

+ **W.P.(C) 23/2020**

MOHAN INDUSTRIES

..... Petitioner

Through: Mr.Mithilesh Kumar and Mr.Tarun
Verma, Advocates.

versus

INDIA OVERSEAS BANK

..... Respondent

Through: Mr.Prem Chhetri, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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06.01.2020

CM APPL. 66/2020-EXEMPTION

1. Allowed, subject to all just exceptions.

W.P.(C) 23/2020 and CM APPL. 67/2020 (Stay)

2. The Petitioner has approached this Court for a direction to set aside the E-auction sale notice dated 29th November, 2019 published by the Respondent/Bank vis-a-vis the property of the Petitioner which is the subject matter of mortgage with the Respondent/Bank.

3. The Court finds that there is already an Appeal No. 351/2019 filed by the Petitioner which is pending adjudication before the Debt Recovery Appellate Tribunal ('DRAT').

4. Learned counsel for the Petitioner states that the Petitioner is willing to

pay the balance amount of the one-time settlement already arrived at with the Respondent/Bank. He submits that such statement was made on the Petitioner's behalf when the appeal was listed before the DRAT on 18th December, 2019. However, according to him, the said order wrongly records that an adjournment was sought by the Petitioner.

5. In view of the above statement of learned counsel for the Petitioner, the Court permits the Petitioner to file an appropriate application before the DRAT placing on record the correct facts and seeking appropriate directions from the DRAT. Accordingly, the petition and the pending application are disposed of.

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

S. MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 06, 2020

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