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

+ **W.P.(C) 1182/2020**

SIMMIA KATPHAL

..... Petitioner

Through: Mr. Sandeep Sharma with Mr.
Manish Makkar, Mr. Aman Dhyani,
Advs.

versus

KOTAK MAHINDRA BANK & ORS.

..... Respondent

Through: Mr. Rajat Katyal, Adv. 1 & 3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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31.01.2020

CM No.3923/2020

1. Allowed, subject to just exceptions.

W.P.(C) No.1182/2020 & CM No.3922/2020

2. Mr. Katyal, who appears for respondent No.1 & 3 bank on advance notice, submits that since no bids have been received *qua* the secured asset, the auction has failed and, therefore, the process would have to be recommenced, if found necessary.

3. It is also not disputed that the petitioner has approached the DRT by way of a petition preferred under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (hereafter referred to as "SARFAESI Act"). I am told that the said petition is listed for hearing on 17.03.2020.

4. Given theses circumstances, Mr. Sandeep Sharma, who appears for the petitioner, does not wish to press the captioned writ petition, *albeit*, with liberty to take recourse to an appropriate remedy, if required, before the concerned DRT.
5. It is ordered accordingly.
6. Needless to add, I have not examined the writ petition on merits, and therefore, the concerned DRT will be free to decide the petition pending before it as per law.
7. The captioned petition is dismissed as withdrawn.
8. Resultantly, the pending application shall stand closed.

RAJIV SHAKDHER, J

JANUARY 31, 2020/pmc