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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1190/2020**
RELIGARE FINVEST LIMITED Petitioner
Through Mr. Sanjeev Singh and Mr. Prashant
Tripathi, Advs.
versus
UNION OF INDIA AND ORS. Respondents
Through Mr. Prasanta Varma, Sr. Central
Govt. Counsel with Ms. Hiteshi
Kakar and Mr. Amrit Singh Khalse,
Advs. for R-1.
Mr. Anil Soni, Standing Counsel with
Mr. Devesh Dubey, Adv. for R-2.
Mr. Apoorv Kurup and Ms. Nidhi
Mittal, Advs. for R-3
Mr. Zoheb Hossain and Mr. Piyush
Goyal, Advs. for R-4.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
% **04.02.2020**

CM APPL. 3938/2020

1. Allowed, subject to just exceptions.

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2. Issue notice. Ms. Kakar accepts notice on behalf of respondent No.1/UOI, while Mr. Dubey accepts notice on behalf of respondent No.2.

3. Likewise, qua respondent No.3, notice is accepted by Ms. Mittal/UGC.

4. Insofar as respondent No.4 is concerned, notice is accepted by Mr. Hossain.

5. Respondent Nos.5, 6 & 7 are private respondents.

6. In view of the order that I propose to pass, for the moment, no notice needs to be issued to the private respondents i.e. respondent Nos.5 to 7.

7. The substantive prayers made in the writ petition are as follows:

“a. Issue a Writ/Command/Order in the nature of Mandamus or any other writ directing Respondent No. 3 i.e. UGC to revoke the affiliation of Respondent No. 5 for the next academic session 2020-2021 and direct Respondent No. 2 and No. 4 to withhold/discontinue the approval for the academic year 2020-2021 of concerned faculties in accordance with section 10 (q) of All India Council for Technical Education Act, 1987 and Pharmacy Act, 1948 respectively, since Respondent No. 6 & 7 had availed financial assistance from the Petitioner by creating Security Interest against PDM College of Engineering and Pharmacy (now merged as Constituent Faculties of Respondent No. 5), where to Petitioner has enforced its Security Interest to recover its total outstanding amount of Rs. 43,09,96,727.81/- (Rupees Forty Three Crore Nine Lakhs Ninety Six Thousand Seven Hundred Twenty Seven And Eighty One Paise Only), AND/OR;

b. Direct Respondent No. 2 to 4 to decide the Representation dated 19.12.2019 issued by the Petitioner and take actions in accordance with the relevant provisions, regulations and rules, AND/OR;

c. Direct Respondent No. 2 to 4 to safeguard the future of the current students of Respondent no. 5 by relocating the students to a similarly affiliated Colleges/ Institutions, AND/OR;

d. Direct Respondent No. 5 not to take further admissions for the next academic year 2020 -2021, AND/OR;”

8. As would be evident from the prayers made in the writ petition, which have been extracted hereinabove, the petitioner's grievance is principally against respondent Nos.6 & 7.

8.1 It is towards this end that directions have been sought against the official respondents i.e. respondent Nos. 1 to 4.

9. The petitioner claims that money is owed to it by respondent Nos.6 & 7 and that outstanding dues are secured via an immovable property which has been described in the writ petition as follows:

“i.e. entire building and land situated at and comprising Khasra No. 23, Killa Nos. 7/2/1, 12/2, 13/2, 6, 7/1, 14 Min, 17, 18/2/1, 16/1/1, 16/1/2, Khasra No. 22 Killa No. 9, 10/1, 10/2, 11/2, 12, 20, 19/1, 19/2, 22 admeasuring 41288.45 sq. mtrs. Sector-3A, Village Sarai Aurangabad, Bahadurgarh, District-Jhajjar, Haryana.”

10. The petitioner claims that a sum of Rs.43,09,96,727.81 is payable by respondent Nos.6 & 7. This sum is calculated as on 6.12.2019.

11. The petitioner also avers that in order to recover the said sum, steps under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) have been taken.

12. In this behalf, it is stated that an application under Section 14 of the SARFAESI Act, 2002 was filed with District Magistrate, Jhajjar, who, in turn, has appointed a receiver via an order dated 10.9.2019.

13. I am informed that the receiver is to take possession of the subject property on 12.2.2019.

14. Given the aforesaid circumstances, I am of the view that the writ petition can be disposed of with the direction to the official respondents i.e. respondent Nos.2 to 4 to hear the concerned parties and pass appropriate directions as per law.

15. The concerned parties in this case would be the authorised representatives of the petitioner and that of respondent Nos.5 to 7.

16. Therefore, respondent Nos.2 to 4 will issue notice to the petitioner and respondent Nos.5 to 7 for convening a hearing in the matter. The hearing will be, preferably, convened jointly. After hearing the concerned persons, respondent nos.2 to 4 will pass a speaking order.

17. In case this exercise is not completed before 6.12.2019, the petitioner will have the receiver stand over the date for taking possession.

18. Needless to add, the aforementioned exercise will be completed by respondent Nos.2 to 4 at the earliest. While doing so, respondent Nos.2 to 4 will also bear in mind the interest of the students.

RAJIV SHAKDHER, J

FEBRUARY 04, 2020
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