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

+ **W.P.(C) 2166/2020**

PRATHAM JEWELLERS PVT. LTD

..... Petitioner

Through: Mr. Sanjeev Bhandari, Mr. G. M. Akhtar, Mr. Prateek Kumar and Ms. Spriha Bhandari, Advs. along with Petitioner.

versus

INDIAN OVERSEAS BANK

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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02.03.2020

C.M. APPL.7638/2020 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 2166/2020 & C.M. APPL. 7637/2020

3. The Petitioner has preferred the present writ petition to assail the orders dated 26.12.2019 and 10.01.2020, passed by the Recovery Officer-II, D.R.T.-III, Delhi in R.C. No.107/2019 - IOB vs M/s Pratham Jewellers.
4. The submission of the learned counsel for the Petitioner is that the Petitioner has itself offered to liquidate by way of sale of the four properties listed below:

(a) Portion bearing Pvt. No. 107, Size measuring 13.4 sq. Mtrs on 1st

Floor (without roof rights) situated in property bearing Municipal No. 2230 out of total area measuring 183 sq. yards, Ward No.XVI, Block-K, Plot No.576, Gali No.66 at Hardyan Singh Road, Nai Wala, Karol Bagh, New Delhi-05.

(b) Pvt. So. S-2, measuring about 73 sq. Ft (Super Area) on entire second (without roof rights) in property bearing No 2578 and 2579 in Ward No. XVI comprised in Plot/Khasra No, 273 measuring about 111 sq. Yards, in Block-M, Gali No.5, situated at Naiwala Estate Beadonpura, Karol Bagh, New Delhi.

(c) Pvt. No. S-3, measuring about 460 sq. Ft. (Super Area) on entire 2nd Floor, without roof rights in property bearing No. 2578 and 2579 in Ward No.XVI comprised in Plot/Khasra No.273 measuring about 111 Sq. Yards in Block-M, Gali No. 5, situated at Naiwala Estate, Beadonpura, Karol Bagh, New Delhi.

(d) Built up portion bearing Pvt. No.G-9, and G-1 total area measuring 178 sq. Ft. along with passage in front of portion bearing Municipal No.2561, Ward No.XVI built on Plot No.22/272 comprised in Khasra No.1309/272 in Block-M, Gali No.6, Nai Wala Estate, Beadonpura, Karol Bagh, New Delhi.

5. He submits that possession of two of the aforesaid properties listed at serial (a) & (b) has been surrendered with the Recovery Officer vide application dated 26.12.2019. He further submits that the Petitioner would surrender the possession in respect of property at serial (c) above by tomorrow.

6. Mr. Bhandari submits that since the Petitioner is running his business from the property at serial (d), two weeks time be granted to surrender the possession thereof. He submits that the auction notice has not been published by the Recovery Officer in respect of any of the aforesaid properties till date.

7. Having heard the learned counsel for the Petitioner and in view of the statement made by him on instructions that the auction notice has still not been published in respect of the property mentioned at serial (d) till date, we are inclined to grant another two weeks time to the Petitioner to vacate the said property and deliver possession thereof to the Court Receiver /Authorized Officer of the Respondent-Bank against acknowledgement. This is subject to the condition that the Petitioner shall furnish an undertaking before this Court on his own affidavit that he shall abide by the said statement and shall not part with the possession of the said property to any third party other than the Court Receiver/ Authorized Representative of the Respondent-Bank and that he shall surrender actual vacant and peaceful possession within two weeks from today. He shall also undertake not to cause any damage to the said property or remove any fitting or fixtures therein. The undertaking be filed in this Court within one day.

8. The petition stands disposed of in above terms.

9. Copy of this order be given *dasti* under the signature of Court Master to the parties.

VIPIN SANGHI, J

SANJEEV NARULA, J

MARCH 02, 2020

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