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

+ **W.P.(C) 3436/2020**

OLYMPIA FITNESS PVT. LTD.

..... Petitioner

Through: Mr. Himanshu Upadhyay, Advocate.

versus

INTEC CAPITAL LIMITED

..... Respondent

Through: Ms. Mehvish Khan, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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03.07.2020

1. This hearing has been held through video-conferencing.
2. The present petition has been filed challenging the notice dated 28th November, 2019 issued under Section 13(2) of the SARFAESI Act, 2002 and the order dated 5th March, 2020 passed by Id. CMM under Section 14 of the SARFAESI Act, 2002.
3. A preliminary objection taken by Id. counsel for the Respondent is that the Petitioner has an alternate remedy before the Debt Recovery Tribunal (*hereinafter*, “DRT”) and should therefore be directed to approach the DRT. It was argued that this writ petition is not maintainable.
4. Without going into the merits, considering the fact that the DRT has now started functioning and the fact that the order of the CMM is dated 5th March, 2020, after which the COVID-19 lockdown has commenced, the matter is directed to be taken up by the DRT on 8th July, 2020 at 2:30 pm.
5. Electronic records of this writ petition be transmitted to the DRT by

the Registry. On 8th July, 2020, the DRT would pass appropriate orders after hearing the parties. Physical possession of the property shall not be taken until the matter is listed before the DRT on 8th July, 2020 and shall be subject to further orders of the DRT.

6. The petition is disposed of in the above terms.

PRATHIBA M. SINGH, J.

JULY 03, 2020
MR/T