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

% Judgment delivered on: 28.03.2023.

+ CM(M) 518/2023 & CM APPL. 15397/2023, CM APPL.
15398/2023

SULOCHNA GUPTA

..... Petitioner

versus

PUNJAB NATIONAL BANK & ORS.

..... Respondents

+ CM(M) 519/2023 & CM APPL. 15405/2023, CM APPL.
15406/2023

PAYAL GUPTA

..... Petitioner

versus

PUNJAB NATIONAL BANK & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Kunal Mittal and Mr. Saurabh Tanwar,
Adv. in CM (M) 518/2023
Mr. Sanjeev Bhandari and Mr. Sushant
Bali, Adv. in CM (M) 519/2023

For the Respondent : Mr. Mahesh K. Chaudhary and Ms.
Sushmita Chaudhary, Adv. for R-1/bank.
Mr. Santosh Kumar Raut, Mr. Pawan
Kumar Dhiman, Adv. for R-2.
Mr. Vishal Agarwal, AGM, PNB.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. The petitioner challenges the notice issued by the Court Receiver for taking over physical possession of the alleged secured assets under the SARFAESI Act, 2002. The said notice was issued on 24.03.2023, for the subject property to be taken over possession by today, i.e. 28.03.2023 by 01:00 pm.
2. Upon the mentioning of Mr. Bhandari, learned counsel appearing for the petitioner, the present petitions are taken up for consideration, out of the turn.
3. Mr. Chaudhary, appears on behalf of the respondent-bank on advance notice.
4. Keeping in view the extreme hardship, which may entail dispossession from the property, this Court is of the considered opinion that the DRT-1 take up the application for recall of the order 17.03.2023, which is stated to be listed for consideration today.
5. It goes without saying that the respondent-bank will have all the rights to urge all contentions and objections against the said application for recall. The present order is being passed without any prejudice to the rights and contentions of either of the parties.
6. Learned DRT may proceed in accordance with law and pass appropriate orders on the application seeking recall within the next two weeks.
7. In the meanwhile, the bank and Court Receiver are directed not to take coercive steps in pursuance of the notice dated 24.03.2023 till the

disposal of the said application.

8. Both the petitions are disposed of with no order as to costs.
9. Pending applications also stand disposed of.

TUSHAR RAO GEDELA, J.

MARCH 28, 2023/ms

