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

% Judgment delivered on: 22.05.2023

+ CM(M) 864/2023

M/S PREMIUM MOULDING AND PRESSING PVT LTD
..... Petitioner

versus

STANDARD CHARTERED BANK & ANR. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Sanjiv Bahl, Mr. Eklavya Bahl and
Mr. Pawas Agarwal, Advocates.

For the Respondents : Mr. Sanjeev Sagar and Mr. Shivang
Bansal, Advocates.
Mohammad Nausheen Samar,
Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 27250/2023 (for exemption)

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

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3. Petitioner, through Mr. Sanjiv Bahl, learned counsel submits that

vide the order dated 27.11.2018, the learned Division Bench of this Court in W.P.(C) 12674/2018, between the same parties had directed the DRT-1 to dispose of the application bearing MA No. 27/2016. However, till date the said application for one reason or the other has not been disposed of.

4. Mr. Sanjiv Bahl, learned counsel appearing for the petitioner submits that this is the only grievance of the petitioner before this Court today.

5. Mr. Sanjeev Sagar, learned counsel appearing for the respondent submits that the petitioner has an equally efficacious and alternate remedy before the learned DRAT by inviting the attention of this Court to sub-Section 6 of Section 17 of the SARFAESI Act, 2002. Mr. Sagar submits that the procedure under Article 227 of the Constitution of India ought not to have been invoked when an equally efficacious remedy was available to the petitioner.

6. This Court has considered the submissions of the parties, the arguments of Mr. Sagar that alternate and efficacious provisions are available, cannot be quelled with. However, since the learned Division Bench of this Court had passed a specific order which appears to have not been fully complied with, this Court deems it appropriate to interfere in the present petition.

7. Keeping in view the fact that the learned DRT-1 has posted the matter for hearing of MA No. 27/2016 to 04.10.2023, this Court directs the learned DRT to prepone the said application from 04.10.2023 to 19.07.2023.

8. Learned counsel for the parties are expected to appear on

19.07.2023 and assist the DRT in disposing of the application on the date so fixed or within a period of next 30 days.

9. With the aforesaid directions, the petition stands disposed of.

TUSHAR RAO GEDELA, J.

MAY 22, 2023/nd

