

CWP-25263-2021 (O&M)  
Date of Decision: April 18, 2024

**M/s Schiffli India Limited**

..... Petitioner

**Versus**

**Debt Recovery Appellate Tribunal and another**

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL  
HON'BLE MS. JUSTICE AMARJOT BHATTI**

Present: Ms. Ridhi Bansal, Advocate for  
Mr. V.K. Sachdeva, Advocate for the petitioner.

Mr. Anil Ahuja, Advocate for respondent - Bank.

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**LISA GILL, J.**

1. Petitioner in this writ petition seeks partial setting aside of order dated 01.09.2021 passed by learned DRAT, Delhi in Appeal No. 46 of 2021.

2. Learned DRT-II, Chandigarh vide decision dated 17.08.2021 disposed of SA No. 543 of 2017 while directing the respondent – Bank to restore physical possession of the property in question to the petitioners while observing that the said respondents are always at liberty to take steps as per law. Appeal challenging the said decision was filed by respondent - State Bank of India (Appeal No. 46 of 2021) in which notice was issued by learned DRAT Delhi on 01.09.2021 (Annexure P1). It was directed that in the meanwhile direction by learned DRT to the Bank to hand over possession of property in question would be kept in abeyance. Present writ petition has been filed challenging the said direction, stated to have been incorrectly passed vide exparte order 01.09.2021.

3. Notice of motion was issued in this petition on 14.12.2021. Learned counsel for respondent – bank on the last occasion when this writ petition was taken up for hearing had pointed out that learned DRAT is fully functional and the matter could be decided finally before learned DRAT.

4. Today, learned counsel petitioner informs that proceedings under Insolvency and Bankruptcy Code are pending before NCLT Delhi. Resolution Professional i.e. Mr. Sanjeev Chaudhary, resident of E263 Rear LGF Greater Kailash-I, New Delhi has been appointed. Present writ petition has been filed on behalf of petitioner through its Managing Director at that time. However, she does have the authority from the Resolution Professional to represent the petitioner.

5. Keeping in view the facts and circumstances above, this writ petition is disposed of without expression of opinion on the merits of matter at this stage with liberty to Resolution Professional to file appropriate application, if so advised, within four weeks.

6. Copy of this order be communicated to Resolution Professional as noted above.

**(LISA GILL)**  
**JUDGE**

**April 18, 2024**  
rts

**(AMARJOT BHATTI)**  
**JUDGE**

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No