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

+ **W.P.(C) 654/2024 and CM APPL. 2968/2024**

MS SHIVANSH ASSOCIATES

..... Petitioner

Through: **Mr. Shreeyash U. Lalit &
Mr. Himanshu Vats, Advocates.**

versus

**MS ROOP RAJ BANQUET RESTRO BAR
AND ORS**

..... Respondents

Through:

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

18.01.2024

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1. The present writ petition has been filed seeking directions for disposal of Regular Appeal No.54/2020 pending for more than three years before the Debts Recovery Appellate Tribunal (DRAT).

2. Learned counsel for the petitioner states that pursuant to the auction of mortgaged property No.1B-196, Block-B, NIT Faridabad, admeasuring 407 sq. yds. financed by the respondent No.2 bank on 28th November, 2019, the petitioner was declared a successful bidder. He, however, states that after payment of the full auction amount, the respondent bank duly issued sale certificate in favour of the petitioner along with all previous title deeds and handed over physical possession of the property.



3. Thereafter, the respondent borrowers preferred S.A.300/2019 before the Debts Recovery Tribunal (DRT), Chandigarh to quash the auction conducted on 28th November, 2019 which was allowed vide order dated 02nd March, 2020. Furthermore, the respondent No.2 bank was directed to forfeit Rs. 80 Lakhs, i.e. 25% amount of the auction amount deposited by the petitioner on 30th November, 2019.

4. Aggrieved by the order passed by the DRT, Chandigarh, the petitioner filed Regular Appeal being RA 54/2020 before the DRT in 2020. Learned counsel for the petitioner states that the appeal was fixed for final hearing for several dates such as 13th April, 2022, 22nd November, 2022, 21st December, 2022, 27th January, 2023, 29th March, 2023, 01st August, 2023, 12th September, 2023 and 16th November, 2023, however, the matter has not been heard due to one reason or the other. He states that the appeal is now fixed for hearing on 26th February, 2024.

5. Learned counsel for the petitioner states that despite payment of the entire auction consideration by the petitioner on 13th November, 2019, it has neither received the possession of the suit property, nor refund of the money so deposited. He further states that on account of pendency of the appeal, he is forced to stay in rented accommodation and spend exorbitant amount as monthly rent.

6. In view of the aforesaid fact, this Court disposes of the present appeal by directing the DRAT to decide the petitioner's appeal as expeditiously as possible, preferably, within three months from the next date of hearing. Since this Court has only expedited the hearing before the DRAT, no notice has been issued to the respondents.



7. With the aforesaid directions, the present writ petition stands disposed of. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 18, 2024
B.S. Rohella