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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5212/2024, CM APPL. 21318/2024, CM APPL. 21319/2024
M/S TIRUPATI BALAJI TRADERS

..... Petitioner
Through: Ms.Hiteshi Kakkar and Mr.Amrit
Singh Khalsa, Advocates.

versus

RESERVE BANK OF INDIA THROUGH SECERETARY & ANR.

..... Respondent
Through:

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **09.04.2024**

1. Present writ petition has been filed challenging the impugned order dated 20th November, 2023, passed by the Debt Recovery Appellate Tribunal (“DRAT”) in Appeal No. 270/2023 whereby the Appellant’s prayer for stay of auction proceedings of the mortgaged property bearing Plot No. B-120, Rama Park, Uttam Nagar, New Delhi-110059 scheduled for 20th November, 2023 was rejected. The Tribunal however ordered that the auction so conducted shall be subject to the outcome in the appeal.
2. Learned counsel for the Petitioner states that the Petitioner has paid the principal amount and needs to seek clarification as to how the Respondent No. 2 has calculated the interest amount.



3. She further states that Respondent No. 2 has wrongfully taken possession of the Petitioner's residential property without following the due process of the law and against the RBI guidelines.
4. This Court is of the view that the petitioner's challenge to the impugned order dated 20th November, 2023 is belated.
5. In response to a pointed query learned counsel for the petitioner states that the matter is listed before DRAT tomorrow.
6. She prays that in the event the sale is confirmed, the order should not be implemented for a reasonable period of time so that the petitioner can avail its remedies.
7. This Court is of the view that the said request should be made before DRAT where the appeal is pending. Accordingly, the present petition being devoid of merits is dismissed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 9, 2024
VLD