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

+ W.P.(C) 10798/2024 & CM APPL. 44396/2024, CM APPL.
44397/2024

MRS. VIVEKA KHANNA

.....Petitioner

Through: Mr. Tanmay Mehta, Mr. Arhum
Sayed and Mr. Rahil Ahmed,
Advocates

versus

INDIA SME ASSET RECONSTRUCTION COMPANY LIMITED
(ISARC) AND ANR.

.....Respondents

Through:

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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06.08.2024

1. Present petition has been filed seeking issuance of directions to restrain Respondent No.1/ISARC from proceeding with auctioning/selling/alienating or creating any kind of third party rights in property bearing no. 4764/1, Plot No. 19-A, 23, Daryaganj, Ward XI, New Delhi-110002 till the final disposal of Regular Appeal No. 201/2019. Petitioner further prays for directions to DRAT, Delhi to hear and decide the appeal expeditiously.
2. Learned counsel for the Petitioner states the Petitioner is *bona-fide* purchaser of three properties at Daryaganj, Chandni Chowk and Green Park



which were put up for auction by Punjab National Bank/Respondent no.2 vide auction notice dated 26th December, 2008.

3. He states that in the proceedings pending before the DRAT, the Petitioner filed I.A. No.479 of 2024 on 29th April, 2024 seeking stay against Respondent No.1 from selling/alienating/auctioning/creating third party rights in the Daryaganj property for which the Petitioner being the bona-fide Auction Purchaser has been litigating since 2009. He states that the I.A. No. 479/2024 came up for hearing on 9th May, 2024 and DRAT issued notice on the said application for 20th May, 2024. However, thereafter the application has not been heard.

4. He states that in the meanwhile, the Recovery Officer, DRT-II, dismissed the objections/reply filed by the Petitioner vide its order dated 25th June, 2024 and the Respondent No.1 requested for issuing sale proclamation order.

5. He states that in light of the order dated 25th June, 2024 passed by the Recovery Officer, DRT-II, the Petitioner filed an I.A. No. 698 of 2024 for urgent hearing of the Appeal / Applications before DRAT and the same was listed on 12th July, 2024 but on the said date, the matter did not reach for hearing. He states that the next date of hearing is 6th September, 2024 by which time in all probability, the petitioner would have suffered serious prejudice.

6. Keeping in view the aforesaid, the Registry of the DRAT is directed to list the IA No. 479/2024 and IA No. 698/2024 in Regular Appeal No.201/2019 before the Chairman, DRAT for hearing, high up on 13th August, 2024.



7. This Court has no doubt that the Chairman, DRAT will make an endeavour to decide the interim applications or pass appropriate interim orders on the next date of hearing. With the above directions, the present writ petition and pending applications are disposed of.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 6, 2024/ms