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

+ **W.P.(C) 42/2024**

RAHUL ANIL AHUJA

..... Petitioner

Through: **Mr.Vishal Gohri, Advocate.**

versus

GURCHARAN DHAWAN AND ORS

..... Respondents

Through: **None**

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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02.04.2024

C.M.No.19389/2024

1. Present application has been filed by the petitioner seeking extension of time of three months for payment of the second installment of Rs.20,00,000/-.
2. Learned counsel for the petitioner states that by way of the present writ petition, the petitioner sought limited relief of participation in the auction scheduled for 22nd March, 2024 and further undertook to pay the rent as mentioned in the order dated 25th October, 2022 passed by the learned DRT-II in S.A. No.294/2019.
3. He states that the petitioner, in compliance with the order dated 3rd January, 2024, had paid the first installment of Rs.10,00,000/- to the respondent no.3/Bank. However, due to some financial constraints, the petitioner could not pay the second installment of Rs.20,00,000/- by 20th March, 2024.



4. He states that the petitioner undertakes to pay the said second installment within a period of three months. He further states that the auction scheduled for 22nd March, 2024 has been cancelled by the Bank.

5. This Court is of the view that the order dated 03rd January, 2024 was a consensual order, wherein the petitioner/applicant had affixed his signatures in acknowledgment of undertaking to pay the second installment of Rs.20,00,000/- by 20th March, 2024. Consequently, the present application in breach of the aforesaid statement/undertaking is dismissed.

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6. Present application has been filed seeking extension of time to vacate the premises in question until forty eight hours after conclusion of auction proceedings and to further permit the petitioner to pay the rent @ Rs.85,000 per month from April, 2024 till the final auction is held.

7. Since the present application is contrary to the written undertaking given to this Court as recorded in paragraph 5 of the judgment and order dated 03rd January, 2024, the same is dismissed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

**APRIL 2, 2024
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