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

+ W.P.(C) 12941/2024 & CM APPLs.54017-54018/2024

MOHD IKRAMUDDIN

.....Petitioner

Through: Mr.Sanjeev Sagar, Advocate with
jMr.Mayank Wadhwa, Ms.Muskaan
Gupta, Ms.Nazia Parveen, Mr.Rohit
Taneja and Ms.Shrishti Raichandni,
Advocates.

versus

**JM FINANCIAL ASSET RECONSTRUCTION COMPANY
LIMITED & ANR.**

.....Respondents

Through: Mr.Kirtiman Singh, CGSC with
Mr.Waize Ali Noor, Mr.Ranjeev
Khatana, Mr.Maulik Khurana and
Mr.Varun Pratap Singh, Advocates
for UOI.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

13.09.2024

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1. Present petition has been filed challenging the order dated 11th September, 2024 passed by the Debt Recovery Tribunal – I, Delhi in SA No.340/2024, whereby the interim prayer sought by the Petitioner to restrain the Respondent No.1-financial institution from auctioning the subject property bearing Flat No. 167, Block-C, Street No. 11, Yamuna Vihar, New Delhi – 110053 on 12th September, 2024 was rejected on the ground that prior securitization applications seeking similar relief had been filed by the Petitioner before the DRT and the directions given in the said proceedings had not been complied with.



2. Learned counsel for the Petitioner states that the present writ petition has been filed in this Court challenging the order passed by DRT directly, as the Chairperson, DRAT is on leave. He further states that the Chairperson is on leave till 18th September, 2024.

3. Since the Supreme Court in *PHR Invent Educational Society Vs. UCO Bank and Others, 2024 SCC OnLine SC 528* has recently reiterated that the High Courts should not entertain petitions arising out of DRT Act and SARFAESI Act as effective alternative remedies are available under the said Acts, this Court had summoned Mr.Kirtiman Singh, learned Standing Counsel for Union of India asking him as to whether the matter can be transferred to any other DRAT. He states that the matter can be heard by DRAT, Mumbai today itself.

4. Since Chairperson, DRAT, Delhi, is on leave till 18th September, 2024, this Court directs the DRAT, Mumbai to take up the matter forthwith and decide the same in accordance with law.

5. In view of the aforesaid, the present writ petition along with applications stands disposed of. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 13, 2024
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