



\$~38

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

+ W.P.(C) 13137/2024, CM APPL. 54907/2024 & CM APPL.
54908/2024

SHYAM BABU GUPTA

.....Petitioner

Through: Mr. A.K. Tripathi and
Mr. Prashant Tripathi, Advocates.

versus

THE UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Rohan Jaitley, CGSC and
Mr. Hussain Taqvi, GP with Mr. Dev
Pratap Shahi, Ms. Yogya Bhatia and
Ms. Ranjana Jaitley, Advocates. for
R-1.

Mr. Sidharth Chopra and
Mr. Navneet, Advocates for R-2 with
Ms. Aishverya Shandliya, AR of R-2.
Ms. Shalini Aggarwal, Advocate for
R-4 to 8 with Mr. Manoj Gupta
(borrower).

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **03.10.2024**

1. Present writ petition has been filed challenging the impugned order dated 06th September, 2024 passed by the learned DRAT, Delhi in Misc. Appeal No.178/2024 whereby the appellant's challenge to the order dated 19th April, 2024 passed by the learned DRT-I, Delhi was dismissed.
2. Today, learned counsel for respondent no.2 - M/s Cholamandalam Investment Finance Company Ltd. has handed over an affidavit dated 03rd October, 2024. The relevant portion of the said affidavit reads as under:



“3. That on 01.10.2024, the present petition was listed before this Hon’ble Court wherein the Respondent No.2 stated that the Respondent No.2 has not taken the possession of the subject property on 07.09.2024 for the reason that the police assistance was not provided to the Respondent No.2 and the Ld. Receiver for taking the physical possession of the subject property.

4. I state that the Respondent No.2 once again approached the Ld. CMM for the extension of the order dated 27.08.2024 seeking police assistance for taking the physical possession of the subject property which is pending adjudication before the Ld. CMM.

5. That this Hon’ble Court has directed the Respondent No.2 to file the present affidavit stating that the Ld. Receiver and the Respondent No.2 shall issue advance 15 days’ notice for taking the physical possession of the subject property to the Petitioner herein also.

6. That in terms of order dated 01.10.2024, without prejudice, I state that the Respondent No.2 through the Ld. Receiver will issue 15 days’ notice in advance to the Petitioner for taking the physical possession of the subject property.

3. This Court is of the view that since respondent no.2 has undertaken to issue a fresh fifteen days prior notice before taking physical possession of the subject property, the petitioner will have to first approach the learned DRT for redressal of his grievance.

4. Learned counsel for respondents no.4 to 8 on instructions of Mr. Manoj Gupta, who is personally present in Court, states that the said respondents want to amicably resolve the matter by entering into an one-time settlement with respondent no.2.

5. Learned counsel for respondent no.2 states that in the event a settlement proposal is forwarded by respondents no.2 to 6, the same shall be considered within ten days.

6. At this stage, learned counsel for the petitioner states that two S.As. being NDN No.822/2022 (TSA 329/2023) S.A. No.324/2023 Neeraj Gupta vs. Canara Bank and S.A. No.214/2022 (TSA No. 873/2022) Shyam Babu



Gupta vs. Canara Bank & Ors., are pending adjudication before the DRT-I, Delhi and are listed for hearing on 25th October, 2024.

7. Consequently, the present writ petition along with applications is disposed of with a direction to DRT-I, Delhi to decide S.As. being S.A. No.324/2023 NDN No.822/2022 and S.A. No.214/2022 TSA No. 873/2022 as expeditiously as possible preferably within four months.

CHIEF JUSTICE

TUSHAR RAO GEDELA, J

OCTOBER 3, 2024

mk