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

% **Date of decision: 22nd October, 2024**

+ **CONT. CAS(C) 1665/2024**

REKHA VERMAPetitioner

Through: **Mr. Ajay Khanna, Mr. Atul T.
N. & Mr. Happy Bir, Advs.**

versus

SHRI ATUL KUMAR GOEL AND ORSRespondents

Through: **Mr. Anmol Panwar & Mr. Prem
Raj, Advs.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

CM APPL. 62188/2024

1. This is an application seeking leave to file a contempt petition against the respondents No. 1 to 4.
2. For the reasons stated in the application and in the interest of justice, the application is allowed.
3. The application stands disposed of accordingly.

CONT. CAS(C) 1665/2024

4. The petitioner is seeking initiation of contempt proceedings under Section 10 and 12 of the Contempt of Courts Act, 1971 against the respondents No.1 to 4, who are officials of the respondent No.4/PNB¹ and respondent No.5/IOB² for allegedly committing wilful

¹ Punjab National Bank



disobedience of the directions as contained in the judgment dated 20.09.2017 passed by the Division Bench of this Court in W.P. (C) 6653/2017.

5. Learned counsel for the respondent No.4/PNB is present on advance notice. However, no one is present for respondent No.5/IOB.

6. The grievance of the petitioner is that the property mortgaged with the respondents has been put to auction in terms of provisions of SARFAESI³ Act *vide* notice dated 06.06.2024. It is pointed out that although notification/publication brings out details of the property *viz.*, residential property No. I-37, Third Floor, along with terrace rights, Lajpat Nagar-III, New Delhi, it was falling foul for not detailing the measurements or dimensions of the property. It is urged that the impugned auction notice issued by the respondent No.4/PNB is in patent violation of directions passed by this Court as contained in the order dated 20.09.2017 whereby it was directed that all necessary information should be given with regard to properties which are sought to be auctioned by the bank so that the public at large should come to know about its location, dimensions, measurements, status of freehold or leasehold, instead of simply mentioning the municipal number and *khasra* numbers and address thereupon.

7. Learned counsel for the respondent No.4/PNB has pointed out that petitioner is abusing the process of law inasmuch as she filed IA No. 481/2024 in Appeal No. 346/2016 arising out of SA No. 144/2014

² Indian Overseas Bank

³ The Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002



pending before the DRT⁴-I, Delhi and the application stands dismissed for the failure on the part of the appellant/petitioner to make the pre-deposit as per Section 18 of the SARFAESI Act. It is also pointed out that earlier W.P. (C) No. 8743/2024 was filed, which was dismissed as withdrawn *vide* order dated 02.07.2024 by this Court as the learned counsel for the petitioner made a statement that pleadings have to be amended and the bidder has to be made as a party to the petition. However, now this fresh application is filed.

8. It is pertinent to mention here that the objections with regard to legality of the auction for want of details has been taken in TSA No. 129/2024 before the DRT and the matter is still *sub judice* and listed for hearing on 06.11.2024.

9. It is evident that the present contempt petition is an attempt by the petitioner to wriggle out of the conundrum which she is facing in the proceedings before the DRT. The present petition has been filed without annexing relevant orders on the subject passed by the DRT as well as DRAT⁵ from time to time.

10. It is well settled that contempt is a matter between the Court and the Contemnor. This Court finds that although there was a deviation from general directions passed by this Court in the aforesaid writ petition bearing W.P. (C) No. 6653/2017 dated 20.09.2017, it has not caused anyone prejudice since the bidders must have done due diligence as regards the measurements. The issue is now squarely in the domain of the DRT.

⁴ Debt Recovery Tribunal

⁵ Debt Recovery Appellate Tribunal



11. Hence, the present contempt petition is dismissed.

DHARMESH SHARMA, J.

OCTOBER 22, 2024

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Signature Not Verified

Digitally Signed By: PRAKASH
KUMAR VATS
Signing Date: 23.10.2024
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CONT. CAS(C) 1665/2024

Page 4 of 4