



2024:DHC:8381-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 15110/2024****M S BISHAMBHAR EXPORTS PVT LTD**PetitionerThrough: **Ms. Savya Garg and Mr. Shivanshu
Bharadwaj, Advocates.**

versus

PUNJAB NATIONAL BANK AND ORSRespondentsThrough: **Mr. Simar Pal Singh, Advocate for R-
1.
Mr. Santosh Kumar Raut, Standing
Counsel with Ms. Dharna Veragi,
Advocate for Indian Bank (e-
Allahabad Bank).**

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Date of Decision: 25th October, 2024**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****MANMOHAN, CJ : (ORAL)**

1. Present petition has been filed challenging the order dated 21st February, 2022 passed by the Recovery Officer-I, DRT-II, Delhi in RC/141/2017 whereby RO-I set aside the auction of the subject property. The petitioner further seeks directions to RO-I, DRT-II, Delhi to issue the sale certificate and handover the physical possession of property bearing Plot No. MA-23, Mousary Avenue, DLF City, Phase-III, Gurugram, Haryana by confirming the auction held on 28th February, 2020 in favour of the petitioner.

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2. Learned counsel for the petitioner states that on 24th January, 2020, the petitioner came to know of the auction of the subject property through notice of sale proclamation published in newspapers and the petitioner deposited the earnest money on 26th February, 2020. She states that on 26th February, 2020, the respondent/Corporate Debtors (CDs) filed their objections against the auction sale without serving any advance copy to the petitioner.
3. She states that the petitioner duly participated in the auction proceedings on 28th February, 2020 and the petitioner was declared as the highest bidder. She states that the petitioner deposited the entire bid price i.e. Rs. 5,39,00,000/- along with the poundage fee by way of demand draft within the prescribed time against the reserve price of Rs. 4,51,00,000/-. She states that on 23rd September, 2020, the petitioner filed an application for confirmation of sale and issuance of sale certificate. She states that RO-I *vide* the impugned order set aside the auction of the subject property.
4. She states that on 16th March, 2022, respondent no.1/Punjab National Bank filed an Appeal bearing no. 6/2022 against the impugned order dated 21st February, 2022 passed by RO-I, DRT-II. She further states that on 30th May, 2022, the petitioner also filed an appeal bearing no. 19/2022 against the impugned order and the same was dismissed *vide* order dated 3rd January, 2024 passed by DRT-II on the technical issue of limitation.
5. She states that in April 2024, the petitioner filed IA No.2131/2024 for early hearing and expeditious disposal of the Appeal no. 6/2022 filed by respondent no.1 which was dismissed *vide* order dated 7th May, 2024 and the matter is now listed for hearing on 7th January, 2025.



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6. Keeping in view the aforesaid, this Court disposes of the present writ petition with a direction to DRT-II to decide the Punjab National Bank's appeal bearing no. 6/2022 as expeditiously as possible, preferably within three months from the next date of hearing. The rights and contentions of all the parties are left open.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

OCTOBER 25, 2024

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