



2024:DHC:8777



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 12th November, 2024**

+ W.P.(C) 15698/2024 & CM APPL. 65921/2024

SMT SAPNA KATAYAN

.....Petitioner

Through: Mr. Deepak Prakash, Ms. Manshi
Sinha and Mr. Gourav, Advocates.

versus

J M FINANCIAL ASSET RECONSTRUCTION CO LTD & ORS.

.....Respondents

Through: Mr. Rishabh Malik and Mr. Vikas
Sharma, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 65920/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

W.P.(C) 15698/2024

1. The present petition, filed under Article 226 read with Article 227 Constitution of India, seeks issuance of writ to the respondents directing respondent No.1 to not dispossess them from the premises in question. It is claimed that they are protected under Delhi Rent Control Act and the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI) cannot override the beneficial objective behind the enactment of Delhi Rent Control Act.

2. It is, however, worthwhile to mention right here that as per lease deed in question, the monthly rent is Rs. 10,000/-. Be that as it may, fact remains



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that similarly situated other occupants of the same property had earlier approached this Court seeking similar relief and vide order dated 20th September, 2024 passed by this Court in W.P.(C) 13280/2024, this Court had observed that such petitioners could always approach the concerned Debt Recovery Tribunal (DRT) for seeking redressal of their grievances. Para 11 of said order reads as under:-

“Having heard the learned counsels for the parties and on perusal of the record, it is manifest that the petitioners have chosen to invoke the writ jurisdiction of this Court at the eleventh hour. They have had sufficient time to seek appropriate remedies against any purported action under the SARFAESI Act. However, having regard the totality of the facts and circumstances of the case and the right of shelter of the petitioners being threatened, the present writ petition is disposed of as not maintainable for there being an efficacious remedy available to the petitioners before the learned DRT except that no coercive process shall be taken against the petitioners till Monday i.e. 23.09.2024.”

3. During course of the arguments, learned counsel for the respondent No.1- JM Financial Asset Reconstruction Company Limited informed that though the Court Receiver was appointed but such Court Receiver has not been able to take the possession so far and the position may remain the same for a period of 15 days from today and, therefore, in between the petitioner herein has sufficient time to approach learned Debt Recovery Tribunal. He also has no reservation if for exploring the possibility of *One Time Settlement* the petitioner visits them along with the borrower, provided there is some concrete proposal from the their side.

4. After hearing arguments for some time, learned counsel for the petitioner states that in view of the above, without prejudice his rights and contentions, he may be permitted to withdraw the present petition with liberty to explore the possibility of settlement and also with liberty to approach learned Debt Recovery Tribunal for redressal of his grievances.



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5. In view of the above, the present petition is disposed of, as not pressed.
6. All rights and contentions of the parties are reserved.
7. Liberty, as prayed, is granted.
8. The present petition stands disposed of in aforesaid terms.
9. Order *dasti*, under the signature of the Court Master.

(MANOJ JAIN)
JUDGE

NOVEMBER 12, 2024/ss