



\$~120 & 123

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

W.P.(C) 17834/2024, CM APPL. 75896/2024-Exp

INDIAN OVERSEAS BANKPetitioner

Through: Mr. Jatan Singh, Sr. Adv. with Mr.
Sagar Aggarwal and Mr. H.C. Suri,
Advs.

versus

M/S MANGAL ENTERPRISES THROUGH SOLE PROPRIETER

MRS. NIDHI AGARWAL & ORS.Respondents

Through: Mr. Sanjeev Bhandari and Mrs.
Priyadarshini Dewan, Advs. for
respondents.

123

+ W.P.(C) 17868/2024, CM APPL. 76044/2024-Exp

INDIAN OVERSEAS BANKPetitioner

Through: Mr. Jatan Singh, Sr. Adv. with Mr.
Sagar Aggarwal and Mr. H.C. Suri,
Advs.

versus

M/S MANGAL IMPEX THROUGH SOLE PROPRIETOR MR.

RAJEEV AGARWAL & ORS.Respondents

Through: Mr. Sanjeev Bhandari and Mrs.
Priyadarshini Dewan, Advs. for
respondents.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **23.12.2024**

1. The petitioner in both the petitions has approached this Court seeking quashing of common order dated 12.12.2024 passed by the learned Debts Recovery Tribunal Delhi (DRT I) in S.A. No. 76/2023 and S.A. No. 38/2023 in W.P. (C) 17834/2024 and W.P (C) 17868/2024 respectively in both the writ petitions before this Court. Vide the impugned order, the learned DRT I has passed interim order qua one of the mortgaged properties



at the behest of the applicant therein and finding *prima facie* illegalities ordered the appellant bank herein not to proceed with the execution of sale order dated 21.11.2024.

2. At the outset, we have queried the learned senior counsel for the petitioner in both the petitions qua the maintainability of these petitions, especially when the petitioner has admittedly not availed of its statutory remedy of appeal before the learned Debts Recovery Appellate Tribunal (DRAT). He submits that though the petitioner has not challenged the impugned order before the learned DRAT, it has already filed an appeal challenging the earlier orders passed by the learned DRT I. After some arguments, he submits that the petitioner will, therefore, instead of pressing the present petitions, file a fresh appeal(s) before the learned DRAT to assail the impugned order dated 12.12.2024 passed by the learned DRT I. He, however, prays that the learned DRAT be directed to take up the said appeal(s) on an early date.

3. In the light of the aforesaid, even though we do not find any reason to issue any directions to the learned DRAT for time bound disposal of the appeals which the petitioner proposes to file, we hope that as and when any appeals are preferred by the petitioner, the same will be considered for disposal thereof by the learned DRAT as expeditiously as possible.

4. In view of the above, both the petitions stand dismissed as not pressed.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 23, 2024/bh