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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 18009/2024, CM APPL. 76592/2024-Stay, CM APPL. 76593/2024-Exp

RAHUL TRADING COMPANYPetitioner

Through: Mr. Manish K. Bishnoi, Mr. Sahil,
Mr. Khubab Shakeel, Mr. Sarthak
Bhatiya and Mr. Chaitanya Madhav,
Advocates

versus

ADITYA BIRLA COMPANY LTDRespondent

Through: None

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
24.12.2024

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1. The present Writ Petition under Article 226 of the Constitution of India seeks the following reliefs:

“i. Issue a Writ, Order or direction in the nature of mandamus or any other appropriate writ directing the Respondents to handed over the physical possession and release the title deeds of all the subject properties viz. 802, 8th Floor, Coral Tower, Group Hosing Complex, Ourania, Village Wazirabad, Sector 53, Gurgaon, Haryana-122001. Village- Kumhari, P.H. No. 46, Revenue Inspector Mandai Ahiwara] Development Block- Dhamdha, Kanji house Ward no.14, Plot KhastaNo. 1450/3-4 (0.50), 1450/3 \$1450/6(part) (0,206), 1450/3 part (0.208), R.N.M- Ahiwara, Tehsil Dhamdha, Durg- Chattisgarh-491001, Village-Kumhari, P.H. No. 46, Circle Ahi Bara, Tehsil- Dhamdha, Durg(C. G), Municipality Kumhari, Khasta No. 1450/3, 1450/4covering area of 0.371 hectares ie., 0.91 acre rent 57 pari and khasrano.3 covering an area of 0.50 hectare i.e. 1.23 acre rent72, Chattisgarh-491001, Mouza- Kumhari, P.H. No. 46, Circle Ahi Bara, Tehsil- Dhamdha, Durg (C.G). KhastaNo. 1450/Bcovering an area of



0.208 hectare i.e. 0.52 decimals rent Rs.0.50, Chattisgarh-491001 and D-7. Sector 30, Naya Raipur Situated at Village- Nawagaon, P.C No.18, RIC-Mandir Hasaud, Naya Raipur, Tehsil- Aarang. District Raipur C.G bearing Apartments No. 802, 4BHK, Floor 8th of Block 'A' Tower-1, Mayfair, area 2510 sq ft.

ii. The Hon'ble Court may issue a writ of mandamus or any other suitable order, directing the Hon'ble DRT to reconsider the application for interim relief in light of the legal and factual submissions of the Petitioner and Set aside the impugned order dated 02.12.2024 passed by the Hon'ble DRT refusing to grant interim relief/ stay.

iii. Issue a Writ, Order or direction in the nature of mandamus or any other appropriate writ Seeking redemption of the Subject property qua the subject property viz. 802, 8th Floor, Coral Tower, Group Housing Complex, Ourania, Village Wazirabad, Sector 53, Gurgaon, Haryana-122001 admeasuring 192.8 sq. meters. From the Respondent No. 1 and Auction Purchaser.

iv. Set aside the sale dated 14.11.2024 vide auction notice dated 26.10.2024 conducted by Respondent No. 1 with regard to property bearing no. on 802, 8th Floor, Coral Tower, Group Housing Complex, Ourania, Village- Wazirabad, Sector- 53, District- Gurugram, Haryana- 122001 qua the properties in question.

v. Direct Respondent no. 1 to accept the payment of agreed amount as fixed by this hon'ble court 6,50,00,000/- (Rupee Six Crore Fifty Lakhs Only)

vi. Restrain Respondent no. 1 from taking any further step pursuant to alleged sale conducted on 14.11.2024.

vii. Restrain the Respondent from selling, alienating, disposing of, creating third party interest, delivering possession and encumbering the subject property viz. 802, 8th Floor, Coral Tower, Group Housing] Complex, Ourania, Village Wazirabad, Sector 53, Gurgaon, Haryana- 122001 admeasuring 192.8 sq. meters;”

2. Having heard, learned counsel for the petitioner, we find that the petitioner is primarily assailing the order dated 02.12.2024 passed by the learned DRT, whereunder, it's request for stay of the confirmation of the sale in favour of the auction purchaser has been rejected.

3. At the outset, we have put to the learned counsel for the petitioner as to how the present appeal would be maintainable when the petitioner has an



alternative statutory remedy by way of an appeal before the learned DRAT. He submits that learned DRAT is not likely to take up the petitioner's appeal unless the requisite pre-deposit is made by the petitioner, which the petitioner is willing to make, subject to being granted time for making the said deposit. He, therefore, prays that time be granted to the petitioner to make the pre-deposit before the learned DRAT.

4. After some arguments, learned counsel for the petitioner seeks leave to withdraw the petition and submits that instead of pressing the present petition, the petitioner will approach the learned DRAT and move an appropriate application for seeking time to make the pre-deposit as may be directed by the learned DRAT.

5. The writ petition alongwith the pending applications is accordingly dismissed as withdrawn with liberty to the petitioner to approach the learned DRAT as per law.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 24, 2024/So