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

+ **W.P.(C) 1339/2025 & CM APPL. 6547/2025**

JAGADISH CHANDER CHUG

.....Petitioner

Through: Mr. Prem Kumar Ranjan, Advocate
(Through VC)

versus

PUNJAB NATIONAL BANK

.....Respondent

Through: Mr. Satosh Kumar Rout, SC with Ms.
Dharna Veragi, MR. B N Mishra, Ms.
Shilpa Chaurasia and Ms. Pritam
Patra, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
12.03.2025

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1. Short affidavit has already been filed by respondent/Punjab National Bank (PNB).
2. Issue raised in the present writ petition is very short and precise.
3. Petitioner, merely, seeks handing over of vacant possession of the apartment in question which he has purchased pursuant to *sale certificate*.
4. According to petitioner, it is only a paper-possession as there are certain goods of the previous occupier lying inside the aforesaid apartment and unless & until, these goods are removed by the respondent-bank, petitioner is in no position to enter inside and use the aforesaid premises.
5. According to short affidavit filed by the respondent-bank, it has already issued several reminders to the concerned borrower to collect all these articles. So much so, a public notice was also got published in newspaper on



07.02.2025 directing them to remove such inventory from the property in question but despite publication and ample opportunities already granted, the borrower has not taken any step to remove such inventory from the premises.

6. According to respondent-bank, the delay has taken place solely on account of inaction on the part of borrower. It is submitted that therefore, bank is unable to handover the physical possession of the property in question.

7. It is also submitted by respondent-bank that if this Court grants permission to respondent-bank to take over the possession of the assets of the borrowers, lying as inventory in the property in question, the respondent-bank shall take all necessary steps in accordance with law to ensure the expeditious transfer of possession to the petitioner herein.

8. Various communications issued by PNB to the concerned borrower and even publication made in the newspaper are very categorical. Bank has already, time and again, *advised concerned borrower to remove such inventory otherwise the bank would take appropriate action as per law.*

9. The borrower, for the reasons best known to him, has not taken any action.

10. It is unfortunate that the petitioner has to approach this Court seeking aforesaid limited relief. Petitioner has purchased the apartment in question in e-auction and sale certificate has also been issued in his favour. Physical possession of the aforesaid apartment was taken by the Court Receiver on 28.08.2024 and it is for the bank to take further appropriate steps to ensure that physical, vacant and actual possession is made available to the petitioner.

11. Undoubtedly, even as per the averments appearing in the present writ petition, the borrower has already knocked the doors of *Debt Recovery*



Tribunal (DRT) but no interim relief was granted to the borrower by DRT-I, Delhi.

12. Such order was challenged by the borrower by filing an appeal before the *Debt Recovery Appellate Tribunal* (DRAT) and the appellant therein i.e. borrower had also sought permission to remove the movable articles lying inside the aforesaid premises. Though such application is still reportedly pending, the respondent-bank is under obligation to take further action in terms of its own communications and publication and cannot leave the petitioner *high and dry*.

13. After hearing arguments for some time, Mr. Sanjay Rout, learned standing counsel for PNB submits that the above said inventory would be removed from the said apartment within a period of four weeks from today, at their own risk and cost.

14. He submits that Bank would arrange transportation in this regard and would remove the goods to some other place and due intimation in this regard would be placed not only before the *Debt Recovery Tribunal* but also before learned *Debt Recovery Appellate Tribunal*.

15. In view of the above said assurance, learned counsel for the petitioner does not press for any further relief in the matter.

16. Petition along with pending applications stands disposed of in aforesaid terms.

MANOJ JAIN, J

MARCH 12, 2025/dr/js/sw/



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