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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2884/2025 & CM Nos.13728/2025, 13729/2025 & 13730/2025

M/S EARTHCON TRADECON PVT. LTD.Petitioner

Through: Mr Mukul Rohatgi, Senior Advocate
and Mr Rajeeve Mehra, Senior
Advocate with Mr Sameer Rohatgi,
Mr Shashank Khurana and Mr
Abhishek Sharma, Advocates.

Versus

BANK OF BARODA (E-VIJAYA BANK) & ORS.....Respondents

Through: Mr Saharsh Jauhari, Advocate for R-1
with Mr Praveen Upadhyay and Mr
Vishal Nauhal, Law Officers for Bank
of Baroda.

Mr Gaurav Kakar, Advocate for R-4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

06.03.2025

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1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 28.02.2025 passed by the learned Recovery Officer of the Debt Recovery Tribunal-I (hereafter **RO**) in proceedings relating to Transfer Recovery certificate bearing no.170/2024 issued in OA No.79/1998 captioned *Bank of Baroda (E-Vijaya Bank) v. M/s Rockland Leasing Ltd.*
2. In terms of the impugned order, the RO has directed that an auction be conducted on 07.03.2025 in continuation of auction held on 21.01.2025 in respect of property described as under:

"S. No.	Description of property
1.	(VII) PROPERTY KNOWN AS "TISSORIUM"



	ALIAS ‘CHAFERCHI TOD’ NO.95, PLAN NO.15.286 OF THE OLD SURVEY PLAN AND IN NEW SURVEY NO.84/4, AND NORTHERN PART SURVEY NO.91, MEASURING 7.59.75 AT MELAULIM OF SATTARI
VIII	PLOT “BALTOD” BEARING NO.115, IN THE PLAN NO.15.286 OF OLD SURVEY PLAN, VILLAGE MALAULI AND IN NEW SURVEY NO.90/2, MEASURING 17.36.50 HECTORS
(IX)	PROPERTY KNOWN AS “GODGOECHI GAL” ALIAS “GODGOECHI MOLLI” SITUATED AT AMBELIUM OF TALUKA SATTARI ADMEASURING 5.09 HECTARES BEARING PLAN NO.18.777 AND NEW SURVEY NO.24 & 25,
(X)	SURVEY NO.91, SUB. DIVISION NO.1, AREA 002.00.00 HA. MUTATION NO.11/93 VILLAGE SATTARI,
(XI)	SURVEY NO.04, SUB.DIVISION NO.1, AREA 0015.21.00 HA. MUTATION NO.07/98 VILLAGE SATTARI,
(XII)	SURVEY NO.27, SUB.DIVISION NO.1, AREA 0007.03.50 HA. MUTATION NO.07/98 VILLAGE SATTARI.”

3. It is the petitioner’s case that the order directing continuation of auction *inter se* amongst the bidders that had participated in the auction on 21.01.2025 is contrary to any acceptable procedure. It is contended that the said order has been passed pursuant to an oral request made on 21.01.2025 by one of the unsuccessful bidders who had not furnished the bid after the



highest bid was furnished by the petitioner. It is contended that having refrained from increasing its bid, the said unsuccessful bidder (respondent no.4) had no locus to challenge the auction proceedings. The said bidder had contended that there was a technical glitch. However, there was no material on record to establish the same. Notwithstanding the same, the RO has sought to reopen a concluded auction.

4. It is also contended that the impugned order has been passed in gross violation of the principles of natural justice of no notice of the proceedings had been issued at the initial stage.

5. Additionally, it is submitted that although the applications in question were directed to be heard on 11.03.2025, but the order uploaded indicates that the applications have been disposed of. It is also contended that the hearing of the matter has been taken up prior to the date already fixed.

6. The petitioner has also raised other objections but it is not necessary to note the same considering the order proposed to be passed.

7. Concededly, the petitioner has an equally efficacious remedy of approaching the Debt Recovery Tribunal in respect of the orders passed by the RO and thus, this Court does not consider it apposite to entertain the present petition leaving it open for the petitioner to approach the DRT.

8. Having stated above, we also consider it apposite to direct that any proceedings undertaken by the RO hereafter including the auction proceedings scheduled tomorrow, the same would be subject to the orders that may be passed by the DRT if an appeal is so preferred within a period of two working days from date.

9. Respondent no.4 is represented by the counsel. Respondent no.4. is also put to notice that any bid furnished by respondent no.4 or any other



bidder shall not create any rights in their favour unless the same is confirmed by the DRT. This is subject to the petitioner filing an appeal within a period of two working days.

10. The petition is disposed of in the aforesaid terms. All pending applications are also disposed of.

11. All rights and contentions of the parties are reserved.

12. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 06, 2025

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Click here to check corrigendum, if any