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

+ **W.P.(C) 5398/2025**

NURAY REALTECH PRIVATE LIMITEDPetitioner

Through: Mr. Siddharth Yadav, Senior
Advocate with Mr. Vaibhav Manu
Srivastava, Ms. Saloni Singh and Mr.
Tushar Gadia, Advocates.

versus

PUNJAB AND SIND BANK & ORS.Respondents

Through:

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+ **W.P.(C) 5418/2025**

UBA REALTECH PRIVATE LIMITED THROUGH ITS
AUTHORISED REPRESENTATIVE MR SANJAY KUMAR
SHARMAPetitioner

Through: Mr. Siddharth Yadav, Senior
Advocate with Mr. Vaibhav Manu
Srivastava, Ms. Saloni Singh and Mr.
Tushar Gadia, Advocates.

versus

PUNJAB AND SIND BANK THROUGH ITS AUTHORISED
OFFICER & ORS.Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

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28.04.2025

C.M. Appl. No. 24654/2025 (for exemption) in W.P.(C) 5398/2025

C.M. Appl. No. 24703/2025 (for exemption) in W.P.(C) 5418/2025

Exemptions allowed, subject to all just exceptions.



The applications stand disposed of.

W.P.(C) 5398/2025 with C.M. Appl. Nos. 24652-53/2025

W.P.(C) 5418/2025 with C.M. Appl. Nos. 24701-02/2025

1. The present writ petitions under Articles 226 and 227 have been filed seeking the following substantive prayers:

“A. A Writ of Mandamus and/ or any appropriate other Writ, Order, and/or directions in this nature thereof may kindly be issued in the matter, thereby directing the Hon’ble DRT to follow the ratio laid down in the judgment titled “***Celir LLP Vs. Bafna Motors (Mumbai) Pvt. Ltd. & Ors***”, Civil Appeal Nos. 5542 - 5543 of 2023 basis Article 141 of the Indian Constitution and dispose of the matter within 4 weeks ; and/or

B. A Writ of Mandamus and/ or any other appropriate Writ, Order, and/or directions in this nature thereof may be issued in the matter, thereby setting aside and quashing the actions initiated by the Respondent Bank against the Petitioner under the provisions of the SARFAESI Act, 2002 and/ or

C. A Writ of Mandamus and/ or any other appropriate Writ, Order, and/ or directions in this nature thereof may be issued in the matter to restore title, possessions and ownership of the Subject Lands in the name of the Petitioner; and/or

D. A Writ of Mandamus and/ or any other appropriate Writ, Order, and/or directions in this nature thereof may kindly be issued in the matter, thereby directing the Hon’ble DRT to set aside and quash the Order dated 07.10.2023 (**as Annexure-P-14**) and/or.

E. A Writ of Mandamus and/ or any other appropriate Writ, Order, and/or directions in this nature thereof may be issued in the matter, thereby restraining the Respondent Bank from taking any further step(s) to alienate the subject land or to take any further arbitrary actions against the Petitioner and/or

F. A Writ of Mandamus and/ or any other appropriate Writ, Order,



and/or directions in this nature thereof may kindly be issued to the Respondent Bank, thereby directing the Respondent Bank to consider the settlement proposal of the Petitioner in the interest of justice; and/or.”

2. Learned Senior Counsel for the Petitioners states that Debt Recovery Tribunal ['DRT'] is not proceeding with the matter even though the case of the Petitioners is squarely covered in favour of the Petitioners *vide* judgment of the Apex Court in the case titled as ***Celir LLP Vs. Bafna Motors (Mumbai) Private Limited and Others (2024) 2 SCC 1***.

3. It is submitted that the auction purchaser approached the Debt Recovery Appellate Tribunal ['DRAT'] challenging the interim order dated 14.11.2023 passed by the DRT staying the registration of the sale deed in favour of the auction purchaser in an auction conducted by the Respondent Bank.

4. It is stated that the DRT is not hearing the main case primarily because of the appeal pending before the DRAT. He states that the issue before the DRT and DRAT are not dependent on each other. He, therefore, states that DRT be requested to consider SA Nos. 527/2023 and 528/2023 to be disposed of at the earliest.

5. This Court is of the opinion that since the appeal is pending before the DRAT, it would be more appropriate for the Appellant to move an application as prayed for in this petition before the DRAT. The DRAT is requested to consider the application and if the matters are not analogous, then pass appropriate directions directing the DRT to conclude the matter expeditiously, within a time framed manner.

6. It is made clear that this Court has not made any observations on the merits of the case.



7. The petitions, along with the pending applications, stand disposed of.

SUBRAMONIUM PRASAD, J

HARISH VAIDYANATHAN SHANKAR, J

APRIL 28, 2025

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