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

\+ W.P.(C) 6535/2025

MAHESH CHANDRA .....Petitioner

Through: Mr. Abhishek Parmar, Mr. Atul Parmar and Mr. Naveen Yadav, Advs.

versus

PIRAMAL CAPITAL AND HOUSING FINANCE CORPORATION LTD & ORS. .....Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

O R D E R

% **16.05.2025**

CM APPL. 29722/2025 *(exemption)*

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 6535/2025 & CM APPL. 29723/2025 *(by the petitioner under Section 151 CPC seeking interim relief)*

3. The present petition has been filed seeking following reliefs:

"i. Issue a writ, order or direction, in the nature of certiorari and/or any other writ, in view of the facts and circumstances of the case, thereby quashing and setting aside the order dated 09.04.2025 in an application u/s 14, SARFAESI Act, in the matter titled as "Piramal Capital Housing Finance Ltd. V. Mahesh Chandra" having Crl. Misc. No. 564/2025, passed by Ld. CJM, East District, Karkardooma Courts, Delhi;

ii. Issue a writ, order or direction in the nature of writ of mandamus or any other appropriate Writ restraining

Respondent no. 1-3 from the execution of the order dated 09.04.2025 in Crl. Misc. No. 564/2025, passed by Ld. CMM, East District, Karkardooma Courts, Delhi; AND/OR,

iii. Issue a writ, order or direction in the nature of writ of mandamus or any other appropriate Writ restraining Respondent no. 1-3 from taking the possession of the secured property bearing address - BB-7, First Floor, Gali No.3, West Vinod Nagar, Delhi-11092 until the final disposal of Securitization Application no. 191/2022 pending before Ld. DRT."

4. The case set out by petitioner in the present petition is that he had purchased the property in question on 21.12.2017 from respondent no.4 i.e. Ms. Meena Sharma through a registered sale deed. It later transpired that the property was previously mortgaged by the respondent no.8 in favour of the respondent no.7/City Union Bank Ltd. (CUBL).

5. Mr. Abhishek Parmar, learned counsel for the petitioner submits that the petitioner is a *bona fide* purchaser and was not aware about the said mortgage. He submits that the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [hereinafter referred to as 'SARFAESI Act'] have been invoked by the respondent no.7/CUBL and under Section 14 of the SARFAESI Act, the learned CJM has passed an order on 09.04.2025 appointing a Receiver.

6. He further submits that the said Receiver is likely to visit tomorrow i.e. 17.05.2025 to take possession of the property as per the notice affixed on the property.

7. This court is of the view that against the order passed under Section 14 of the SARFAESI Act, the petitioner has remedy under Section 17 of the SARFAESI Act before the Debt Recovery Tribunal (DRT) concerned.

8. Faced with the above situation, Mr. Parmar seeks to withdraw the present petition to avail the remedy before the DRT concerned. However, he contends that since the petitioner is a *bona fide* purchaser and is a victim of fraud, he may be protected for a limited period so that the petitioner can avail the statutory remedy.

9. Having regard to the submission of Mr. Parmar, it is directed that the order of the learned CJM dated 09.04.2025 passed under Section 14 of the SARFAESI Act shall remain in abeyance for a period of two weeks from today, to enable the petitioner to avail the statutory remedy.

10. It is clarified that nothing has been expressed by the court on the merits of the case.

11. The petition is, accordingly, dismissed as withdrawn. Consequently, the pending application also stands dismissed.

12. Copy of this order be given *dasti* under signatures of Court Master.

VIKAS MAHAJAN, J

MAY 16, 2025

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