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

% **Date of Decision: 05.08.2025**

+ W.P.(C) 10459/2023 & CM APPL. 40525/2023 (Stay)

BANK OF BARODAPetitioner

Through: Mr. Sougat Sinha, Advocate.

versus

UNION OF INDIA MINISTRY OF FINANCE & ORS.

.....Respondents

Through: Mr. Ravi Prakash, Senior Advocate with Ms. Astu Khandelwal and Mr. Adil Taqvi, Advocates for Union of India.

Ms. Priyadarshini Dewan, Aarohi & Ms. Manisha Singh, Advocates for R-4.

Mr. Awnish Kumar and Ms. Pooja Sahu, Advocates.

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+ W.P.(C) 14524/2023

V.S INTERCHEM PRIVATE LIMITEDPetitioner

Through: Mr. Awnish Kumar and Ms. Pooja Sahu, Advocates.

versus

BANK OF BARODARespondent

Through: Mr. Sougat Sinha, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**



2025:DHC:7019-DB



J U D G M E N T (O R A L)

ANIL KSHETARPAL, J.

1. With the consent of learned counsel for the parties, W.P.(C) 10459/2023 & W.P.(C) 14524/2023 shall stand disposed of by this common order.
2. W.P.(C) 10459/2023 has been filed by Bank of Baroda challenging the correctness of order passed on 30.06.2023 by the Recovery Officer attached to the learned **Debt Recovery Tribunal-II¹**, Delhi in RC 327/2015 in OA 203/2013. The Recovery Officer has held that he had no Pecuniary Jurisdiction to proceed with the issuance of the sale proclamation and the consequent auction sale on 02.03.2023 in view of notification No. 4718(E) issued by Government of India on 04.10.2022.
3. The notification No. 4718(E) dated 04.10.2022 reads as under:-

NOTIFICATION

New Delhi, the 4th October, 2022

S.O. 4718(E).—In exercise of the powers conferred by section 3 of the Recovery of Debts and Bankruptcy Act, 1993 (51 of 1993), and in supersession of the notifications of the Government of India vide numbers G.S.R. 655 (E) dated the 30th August, 1994, G.S.R. 48(E) dated the 18th January, 2002, S.O.379 (E) dated the 9th February, 2017, and all subsequent notifications relating to change of location of the existing Debts Recovery Tribunals published in the Gazette of India, except as respects things done or omitted to be done before such supersession, the Central Government hereby notifies the jurisdiction of the Debts Recovery Tribunals as shown in the Table, namely:—

TABLE

S. No.	Name of Debts Recovery Tribunal	Location	Amount of debt	Jurisdiction
(1)	(2)	(3)	(4)	(5)
1.	Debts Recovery Tribunal No. 1, Delhi.	4th Floor Jeevan Tara Building, Parliament Street, New Delhi – 110 001.	Less than one hundred crore rupees.	East Delhi District, Central Delhi District, North East Delhi, North Delhi District and North West Delhi District: Kalyanpuri, Trilokpuri, Vivek Vihar, Anand Vihar, Preet Vihar, Shakarpur, Gandhi Nagar, Krishna Nagar, Geeta Colony, Daryaganj, Chandni Mahal, Jama Masjid, Kamla Market, Hauz Quazi, I.P. Estate, Pahar Ganj, D.B.G Road, Nabi Karim, Karol Bagh, Prasad Nagar, Rajindra Nagar, Seelampur, GokulPuri, Bhajan pura, Shahdra, Welcom, Mansarovar Park, Seema Puri, Nand Nagari, Civil Lines, Timarpur, Roop Nagar, Maurice Nagar Colony, Sabzi Mandi, Partap Nagar, Sarai Rohilla, Bara Hindu Rao, Sadar Bazar, Kashmere Gate, Kotwali Lahori Gate, Town Hall (Chandni Chowk), Sultanpuri, Mangolpuri, Kanjahanwala, Ashok Vihar, Saraswati Vihar, Keshavpuram, Shalimar Bagh, Jahangirpuri, Rohini, Narela, Samatpur Badli, Alipur, Mukherjee Nagar, Adarsh Nagar, Model Town and any other police station which may be existing or may be created in future in these areas, where the application relates to the amount of debt specified in column (4) of the Table.
2.	Debts Recovery Tribunal No. 2, Delhi.	4th Floor Jeevan Tara Building, Parliament Street, New Delhi – 110 001.	Less than one hundred crore rupees.	South Delhi District, South West Delhi District, West Delhi District and New Delhi District: Hauz Khas, Malviya Nagar, Mehrauli, Defence Colony, Lodhi Colony, Kotla Mubarakpur, Lajpat

¹DRT-II



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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(ii)]

				Nagar, Srinivas Puri, Hazrat Nizamuddin, Greater Kailash, Chittaranjan Park, Ambedkar Nagar, Kalkaji, Badarpur, Okhla, Vasant Vihar, R K Puram, Sarojini Nagar, Delhi Cantt, Vasant Kunj, Dabri, Naraina, Mayapuri, Inder Puri, Najafgarh, Jaffarpur, Patel Nagar, Anand Parbat, Moti Nagar, Tilak Nagar, Janakpuri, Vikaspuri, Punjabi Bagh, Paschim Vihar, Nagloi, Rajouri Garden, Hari Nagar, Kirti Nagar, Parliament Street, Mandir Marg, Connaught Place, Tilak Marg, Chankya Puri, Tughlak Road and any other police station which may be existing or may be created in future in these areas where the application relates to the amount of debt specified in column (4) of the Table.
3.	Debts Recovery Tribunal No. 3, Delhi.	4th Floor Jeevan Tara Building, Parliament Street, New Delhi – 110 001.	One hundred crore rupees and above.	All applications involving debt amount of Rs.100 crores and above, if otherwise falling under the jurisdiction of Debts Recovery Tribunal No.1 and Debts Recovery Tribunal No.2, Delhi, Debts Recovery Tribunal Jaipur, Debts Recovery Tribunal No.1, Debts Recovery Tribunal No.2 and Debts Recovery Tribunal No.3 Chandigarh.
4.	Debts Recovery Tribunal-1, Chandigarh.	2nd Floor, SCO No. 33-34-35, Sector 17A, Chandigarh.	Less than one hundred crore rupees.	Amritsar, Barnala, Bhatinda, Faridkot, Fatehgarh Sahib, Fazilka, Ferozpur, Gurdaspur, Hoshiarpur and Jalandhar districts in the State of Punjab, the State of Himachal Pradesh and the Union territory of Jammu and Kashmir, — where the application relates to the amount of debt specified in column (4) of the Table.
5.	Debts Recovery Tribunal-2, Chandigarh.	1st Floor, SCO No. 33-34-35, Sector 17A, Chandigarh.	Less than one hundred crore rupees.	States of Haryana and Union territory of Chandigarh, — where the application relates to the amount of debt specified in column (4) of the Table.
6.	Debts Recovery Tribunal-3, Chandigarh.	Ground Floor, SCO No. 33-34-35, Sector 17A, Chandigarh.	Less than one hundred crore rupees.	Kapurthala, Ludhiana, Mansa, Moga, Muktsar, Pathankot, Patiala, Rupnagar, Sangrur, SAS Nagar, Nawanshahr and Tarantaran districts in the State of Punjab and the Union territory of Ladakh, — where the application relates to the amount of debt specified in column (4) of the Table.
7.	Debts Recovery Tribunal, Jaipur.	1st Floor, Sudhakarma-II, Lal Kothi Shopping Centre, Tonk Road, Jaipur.	Less than one hundred crore rupees.	State of Rajasthan, — where the application relates to the amount of debt specified in column (4) of the Table.

[F. No.03/01/2022-DRT]

SUDHIR SHYAM, Economic Advisor

4. There was another notification No. 4719(E) which was issued on 04.10.2022 pertaining to jurisdiction of the learned DRT, Western Region, which was the subject matter of challenge before the Bombay High Court on 17.11.2022 in WP(C) 11164/2022. The Bombay High Court stayed the notification No. 4719(E) and the Recovery Officer attached to learned DRT-II, Delhi wrongly assumed that notification No. 4718(E) has been stayed because the said notifications were identically worded, pursuant thereto, the auction sale took place and highest bidder deposited the amount. Ultimately, the Recovery Officer found that the Order (E-Auction Sale Notice) dated 02.03.2023 was without jurisdiction because notification No. 4718(E) was not the subject matter of challenge before the Bombay High Court as clarified



by this Court vide order dated 05.07.2023 passed in W.P.(C) 7571/2023 titled as ***“Assets Care Reconstruction Enterprise Ltd. v. M/s Sheena Textiles Limited & Ors.”***.

5. Consequently, the Recovery Officer ordered refund of the amount which was deposited in the Fixed Deposit Receipt to the highest bidder and the matter was transferred to Recovery Officer attached to the learned DRT-III which has the Pecuniary Jurisdiction.

6. Learned counsel for the Bank of Baroda submits that though Recovery Officer assumed wrongful jurisdiction, however, some solution is required to be found by the Court in order to regularize the sale.

7. It has been noticed that learned Additional Solicitor General had been requested to suggest a solution, however, today, learned Senior Counsel for the Union of India has submitted that in view of the notification, the Order passed by the Recovery Officer is without jurisdiction.

8. It is evident that the Recovery Officer attached to the learned DRT-II, had wrongly assumed jurisdiction because in this case the amount involved is ₹ 100 crores and the jurisdiction exclusively vests with learned DRT-III and not with learned DRT-II.

9. Keeping in view the aforesaid position, the Order dated 30.06.2023 passed by the Recovery Officer ordering refund of the amount to the highest bidder and transferring the matter to learned DRT-III does not require interference.

10. In W.P.(C) 14524/2023, the highest bidder prays for refund of the amount along with interest. Learned counsel for the Bank of Baroda admits that the amount has been deposited in a Fixed Deposit Receipt by the Recovery Officer in Bank of Baroda and if a direction



is issued, the amount will be refunded along with the accrued interest.

11. It is noted here that 90% of the amount has already been refunded by the Bank to the highest bidder [Petitioner in W.P.(C) 14524/2023], pursuant to the interim Order passed on 07.12.2023.

12. Keeping in view the aforesaid position, W.P.(C) 14524/2023 is disposed of with a direction to Bank of Baroda to refund the remaining 10% amount along with accrued interest in the Fixed Deposit Receipt on the entire amount within a period of two weeks.

13. Considering the peculiar facts of the case, the Recovery Officer attached to the learned DRT-III is requested to proceed with the matter forthwith.

14. Accordingly, the present Writ Petitions along with pending application(s), if any, shall stand disposed of.

ANIL KSHETARPAL, J

HARISH VAIDYANATHAN SHANKAR, J
AUGUST 5, 2025/tk/kr/ia