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

+ W.P.(C) 7012/2025, CM APPL. 31584/2025, CM APPL. 31585/2025
& CM APPL. 31586/2025

SANTOSH KUMAR GUPTA

.....Petitioner

Through: Mr. Abhishek Chaudhary, Mr. Bharat
Bagga and Mr. Jitendra Kumar
Tiwari, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Vivekanand Mishra, Sr. Adv. for
UOI.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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26.05.2025

1. The present petition has been filed seeking following relief:

*“(A) Issue writ of Certiorari or in the nature of Certiorari or any other appropriate writ with the directions to the Respondent no. 2 not to take any coercive steps against the property of petitioner i.e Property bearing No. **Part of Khasra No. 41, Satyam Chowk, Naseeb Vihar, Village ILLachipur, Pargana Loni, Gaziabad-201102.***

(B) Call for the records of SA NO. 68/2025 pending before Hon'ble DRT-2, Delhi.

(C) Direct the respondent no. 2 bank to regularize the account of petitioner by taking upfront amount which this Hon'ble court deem fit as per the fact and circumstances of the present case.



(D) Direct the Respondent no. 2 bank not to put the property on E-Auction till the pendency of proceedings before this Hon'ble Court.

(E) Direct the respondent no. 2 to de-seal the property bearing No. Part of Khasra No. 41, Satyam Chowk, Naseeb Vihar, Village ILLachipur, Pargana Loni, Gaziabad-201102.

(F) Direct the respondent no. 1 to take appropriate action against the respondent no. 2 for unfair trade practice and cancel the license of respondent no. 2 for playing fraud with the petitioner and other customer of respondent no.2.”

2. Mr. Abhishek Choudhary, learned counsel appearing on behalf of the petitioner submits that the respondent bank has invoked the provisions of SARFAESI Act and a notice under Section 17(3) and 17(7) of the said Act was issued to the present petitioner.

3. He submits that the petitioner has already filed an SA being SA 68/23 before the Debt Recovery Tribunal-II on 02.02.2025 which got listed on 24.02.2025. However, the respondent no.2 took possession of the property on 08.02.2025. He submits that an application seeking stay of the auction of the property and to de-seal the same was filed, however, the same has been re-notified for 01.08.2025. He submits that an application seeking early hearing was also filed by the learned DRT-II but the hearing has not been preponed.

4. This Court is of the view that since there is an alternative remedy available with the petitioner which the petitioner has already availed, there is no reason to interfere in the present petition. However, liberty is granted to the petitioner to approach the DRT and seek pre-ponement of the hearing. In case any such application is filed, the same shall be considered by the DRT



having regard to the fact that the petitioner has prayed for stay on the auction of property.

5. With the aforesaid direction, the petition alongwith pending applications, is disposed of.

VIKAS MAHAJAN, J

MAY 26, 2025

N.S. ASWAL