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

\+ W.P.(C) 10738/2025

SHRI SHREE KRISHAN VIDHYARTHI ....Petitioner

Through: Mr. Gautam Singhal, Mr. Rajat Chaudhary and Ms. Bhilashi Chopra, Advs. along with petitioner in person.

versus

THE VAISH COOPERATIVE ADARSH BANK LTD .....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

O R D E R

% **24.07.2025**

CM APPL. 44400/2025 (exemption) & CM APPL.44401/2025 (exemption)

1. Allowed, subject to all just exceptions.

2. Applications stand disposed of.

W.P.(C) 10738/2025

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

> *"a) Issue an appropriate writ in the nature of mandamus or any other appropriate writ or direction to respondent thereby to accept the balance amount in terms of order dated 23.04.2008 and 12.10.2009 passed by the DRT-III, Delhi and RBI guilders*
> *Or In the Alternative*
> *Issue an appropriate writ in the nature of mandamus or any other appropriate writ or direction to respondent to consider and accept the One Time Settlement (OTS) proposal of the Petitioner in terms Letter dated 08.05.2025*
> *b) Direct the respondent to maintain status quo the secured asset i.e. property bearing no. 2176, sector - 2, Narela Industrial Complex (DSIIDC) Delhi till the time the petitioner makes payment*

of the entire balance amount to the respondent as per the schedule mentioned in the present writ petition.
c) Declare that the Respondent's conduct amounts to a violation of the Petitioner's fundamental rights guaranteed under Articles 14, 19(1)(g), 21, and 300A of the Constitution of India"

4. In prayer Clause (a), the petitioner is seeking direction to respondent bank to accept the balance amount in terms of two orders of learned DRT-3, Delhi or in the alternative direction to consider and accept the One Time Settlement (OTS) proposal of the petitioner.

5. The law in this regard is well settled that no writ of Mandamus can be issued in exercise of jurisdiction under Article 226 of the Constitution of India, directing the financial institutions/bank to accept the One Time Settlement (OTS) proposal of the borrower.[1]

6. In so far as the prayer seeking direction to the respondent bank to maintain *status quo* with regard to the secured assets is concerned, this Court is of the view that the petitioner has statutory remedy available under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002.

7. In view of the above, this Court is not inclined to interfere in the present petition.

8. Accordingly, the petition is dismissed.

VIKAS MAHAJAN, J

JULY 24, 2025/dss

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[1] *(i) Bijnor Urban Cooperative Bank Limited, Bijnor and Others vs. Meenal Agarwal and Ors., (2023) 2 SCC 805,*
(ii) State Bank of India vs. Arvindra Electronics Private Limited, (2023) 1 SCC 540