



\$~100

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

+ **W.P.(C) 12364/2025 & CM APPL. 50447/2025**

JOGINDER PAL & ORS.

.....Petitioners

Through: Mr. Sanjeev Bhandari, Mr. Dhananjay Kumar Singh, Mr. Arjit Sharma, Ms. Sakshi Jha, Mr. Avinash Kumar and Mr. Devanshu Lahiry, Advs.

versus

**CHOLAMANDALAM INVESTMENT
AND FINANCE CO LTD**

.....Respondent

Through: Mr. Kirti Uppal, Sr. Adv. with Mr. Sidharth Chopra, Mr. Navneet Thakran and Mr. Aditya Raj, Advs.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

18.08.2025

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

- a) *Set aside / quash the entire SARFAESI proceedings initiated by the Respondent Financial Institution against the property bearing Plot No.12, Block-B, Third Floor situated at Paschim Vihar, New Delhi-110063, subsequent to the judgment dated 17.08.2019 passed by the Ld. DRT-I, Delhi in S.A. No. 120/2017 & S.A. No. 168 / 2017 for being violative of the judgment of the Ld. DRT*
- b) *Hold that the order dated 19.07.2025 passed by the Ld. CJM, West District, Tis Hazari Courts, Delhi has been obtained fraudulently by the erring officials of the Respondent Financial Institution , by way of deliberate misrepresentation and concealment of material facts;*
- c) *Set aside / quash the order dated 19.07.2025 passed by the*



Ld. CJM, West District, Tis Hazari Courts, Delhi in Ct. Case No. 831/2025 for being in violation of the findings of the Ld. DRT-I, Delhi in S.A. No. 120/2017 & S.A. No. 168/2017 ;

- d) Restrain the Court Receiver from proceeding in furtherance of the order dated 19.07.2025 passed by the Ld. CJM, West District, Tis Hazari Courts, Delhi in Ct. Case No. 831/2025;*
- e) Direct the Ld . CJM, West District, Tis Hazari Courts, Delhi to initiate appropriate proceedings against the erring officials of the Respondent Financial Institution for the offences laid down under section 233 & 246 of BNS, 2023 (Section 196 & 209 of the I.P.C.).”*

2. Mr. Sanjeev Bhandari, learned counsel appearing on behalf of petitioners submits that on an application filed by respondent under Section 14 of SARFAESI Act, the learned CJM has passed an order appointing Receiver for taking possession of petitioners’ property bearing Plot No.12, Block-B, Third Floor, Paschim Vihar, New Delhi-110063.

3. He submits that earlier also similar attempt was made by respondent to take possession of petitioners’ property, however, on S.A.No.120/2017 and S.A.No.168/2017 being filed by petitioners against the earlier order of learned CMM, the Debt Recovery Tribunal-I *vide* its order dated 17.08.2019 had observed that the property of petitioners is not mortgaged with respondent.

4. He submits that against the said orders of learned DRT-I, two review applications i.e. M.A.No.118/2019 in S.A. No.120/2017 and M.A.No.117/2022 in S.A. No.168/2017 have been filed by respondent which are still pending in DRT-I and DRT-II, respectively.

5. He submits that notwithstanding the pendency of said review



applications, respondent has again filed an application under Section 14 of SARFAESI Act in which the learned CJM had passed the impugned order dated 19.07.2025.

6. Mr. Kirti Uppal, learned Senior Counsel appearing on behalf of respondent, at the outset, submits that till the pendency of aforesaid review applications which are pending before DRT-I and DRT-II, no coercive action shall be taken against the petitioners. He submits that this is without prejudice to the rights and contentions of respondent including the objection as to the maintainability of the present petition.

7. The statement of Mr. Uppal is taken on record and the respondent shall remain bound by the same.

8. Likewise, Mr. Bhandari, on instructions, submits that petitioners, based on aforesaid statement of Mr. Uppal and without prejudice to their rights and contentions, will withdraw the application filed in Ct. Case No.831/2025 preferred by the respondent. The statement of Mr. Bhandari is taken on record and petitioners shall remain bound by the same.

9. In view of the above respective statements made by Mr. Bhandari, as well as, Mr. Uppal, no further orders are called for in the present petition.

10. Accordingly, the petition along with pending application, is disposed of.

11. Needless to say that no opinion has been expressed by the Court on the merits of the case.

VIKAS MAHAJAN, J

AUGUST 18, 2025/aj