



2025:DHC:9926-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 12.11.2025

+ W.P.(C) 13175/2025, CM APPL. 54009/2025, CM APPL. 54771/2025, CM APPL. 54785/2025, CM APPL. 56138/2025 and CM APPL. 54009/2025

MS SAMRAT SWEETS BAKERY AND RESTAURANT

.....Petitioner

Through: Mr. Surender Chauhan, Adv.

versus

OXYZO FINANCIAL SERVICES PVT LTD AND ORS

.....Respondents

Through: Mr. Nitesh Goyal, Adv.
Ms. Anumeha Singhai, Adv. for
R-2.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

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

ANIL KSHETARPAL, J.

1. The present Petition, filed by the Petitioner under Article 226 read with 227 of the Constitution of India, assails the correctness of the order dated 27.08.2025 passed by the learned Debts Recovery Appellate Tribunal, Delhi [hereinafter referred to as 'DRAT'] in D.N. No.1308/2025.

2. On 08.09.2025, the following order was passed by this Court—

“1. On 28.08.2025, this Court passed the following order:

“W.P.(C) 13175/2025 & CM APPL. 54009/2025 (For Stay)

3. The present Writ Petition, filed under Section 226 read

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with Section 227 of the Constitution of India, assails the correctness of Order dated 27.08.2025 (order is not available) passed by learned Debts Recovery Appellate Tribunal ["**DRAT**"], wherein the Petitioners Interim Application for waiving/pre-deposit of court fee came to be dismissed.

4. Issue notice.

5. Learned counsel for the Respondents enters appearance and accepts notice.

6. Learned counsel for the Parties are ad idem that learned DRAT permitted the Appellant (Petitioner herein) to deposit 40% of the dues, which is a pre-condition for entertaining the Appeal.

7. Since the copy of the order has not been uploaded, hence, this Bench is unable to examine its correctness.

8. Learned counsel for the Petitioner submits that the Receiver is likely to take possession of the mortgaged property today itself. He has also offered to pay upfront Rs. 45 Lakhs by way of Demand Drafts ["**DDs**"] and said DDs are available in the Court of learned Chief Judicial Magistrate, Gurugram, where an application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is still pending.

9. Learned counsel for the Petitioner also undertakes to pay 25% of the due amount, including the amount of Rs. 45 Lakhs being paid today, within a period of next 10 days.

10. Keeping in view the aforesaid, dispossession of the Petitioner shall remain stayed, subject to the following:-

- i. Petitioner pays Rs. 45 Lakhs today itself to the Respondent No. 1 before the Court of learned Chief Judicial Magistrate, Gurugram, and;
- ii. It will pay the remaining amount to the Respondent No. 1 within a period of 10 days, positively, in order to complete the pre-deposit to the extent of 25% of the dues.

11. Learned counsel for the Petitioner submits that if the Petitioner fails to deposit the amount within the aforesaid time, the interim protection granted by this Court shall

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stand vacated forthwith.

12. Accordingly, list on 08.09.2025.

13. In the meantime, the Petitioner is directed to produce a copy of the Order dated 27.08.2025 passed by the learned DRAT.”

2. The order dated 28.08.2025 was signed and uploaded late in the evening. On the same date, learned Chief Judicial Magistrate, Gurugram passed the following order:

“In pursuance of order dated 27.08.2025, the report has been submitted on behalf of the Police regarding its inability to comply with the orders of the Court on account of VVIP duty. At this stage, an application has been moved on behalf respondent Sanjay Kumar for depositing the demand drafts in sum of Rs. 25 lakhs and Rs. 20 lakhs totaling to Rs. 45 lakhs in view of order dated 28.08.2025 passed by Hon'ble Delhi High Court. Along-with the application, photocopy of draft bearing No. 000617 in sum of Rs. 20 lakhs and draft No. 011884 in sum of Rs. 25 lakhs has been placed on record.

2. Learned counsel for the petitioner/applicant has submitted that the order has been passed by the Hon'ble Delhi High Court giving direction to the respondents/opposite party to hand over the drafts to the applicant but respondent Sanjay Kumar is not handing over the same to the applicant. Separate statement of Authorized Representative Ms. Punya Sehgal who has placed on record her authority letter has also been recorded which is as follows:

“stated that as told by my Advocates namely Mr. Tanmay Mehta, Sh. Anirudh Sharma and Sh. Nitesh Goyal, the demand drafts in sum of Rs. 45 lakhs has been ordered to be paid to the Oxyzo Financial Services Ltd. by the Hon'ble Delhi High Court which I am entitle to receive on behalf of the company but the respondent namely Sanjay Kumar is not willing to handover the drafts to me rather wants to deposit the same before this Court.”

3. Similarly, separate statement has been suffered by respondent Sanjay Kumar which is as follows :

“stated that I have been instructed by the Hon'ble High Court of New Delhi in writ

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petition No. 13175/2025 which was listed today and asked to handover a sum of Rs. 45 lakhs to the learned CJM, Gurugram. As per the instructions, I am tendered a copy of two demand drafts bearing no.000617 dated 21.08.2025 amounting to Rs. 20,00,000/- and demand draft bearing No. 011884 dated 28.08.2025 amounting to Rs. 25,00,000/- in the name of petitioner Oxyzo Financial Services Ltd., which may please be taken on record. Since the order has not been uploaded.”

4. Heard. Since, no order has been produced by the parties from which it could be clear as to what exact direction or order has been passed by Hon'ble Delhi High Court, therefore, no ground to place on record the original demand drafts on the case file is made out. Similarly, without any clear order, this Court cannot direct the respondent to hand-over the drafts to the applicant when, the respondent is not willing to hand over the same to the applicant. In these circumstances, let the file be put up on 29.08.2025 for further proceedings in the matter regarding to the application which has been made by the applicant seeking police assistance. Both the parties are also directed to place on record the copy of order passed by Hon'ble Delhi High Court if the same is available. At this stage, a request has been made by Ms. Punya Sehgal that she may kindly be given copy of this order as the same is required to be submitted to the applicant Oxyzo Financial Services Ltd. Request allowed. A copy of this order be given to Ms. Punya Sehgal for necessary information as prayed for.”

3. The Petitioner is stated to have deposited Rs.2 crores before the Debt Recovery Appellate Tribunal ['DRAT'] till today, out of which Rs.45 lakhs was deposited on 02.09.2025.

4. Learned counsel representing the Respondents submits that the amount of Rs.45 lakhs was to be handed over to the Respondent No.1 before the Court of learned Chief Judicial Magistrate, Gurugram.

5. In the peculiar facts of this case, the Petitioner has shown his bona fides by depositing an amount of Rs.45 lakhs before the DRAT on 02.09.2025, whereas the remaining amount i.e. Rs.1.55 crores is stated to have been deposited today.

6. Accordingly, the Respondent No.1 is at liberty to file an application for withdrawal of the amount deposited by the Appellant.

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7. The order passed by the DRAT on 27.08.2025, directing the Petitioner to make a pre-deposit of 40% of the amount of Rs.8.39 crores has been placed on record, which was not available on 28.08.2025.
8. The Petitioner undertakes not to object to the application for releasing the amount of Rs.2 crores to the Respondent No.1.
9. List for further hearing on 12.11.2025.
10. Interim order dated 28.08.2025 to continue till the next date of hearing.”
3. Learned counsel representing the parties are *ad idem* that more than 40% of the amount due has already been deposited, as initially the Petitioner had deposited Rs.1.27 Crores, and thereafter, an additional Rs.2 Crores was deposited.
4. Hence, the question of pre-deposit has come to an end, as agreed by learned counsel representing the parties.
5. Consequently, the present Writ Petition is rendered infructuous.
6. The learned DRAT is requested to proceed to hear and decide the Appeal filed by the Petitioner on its own merits and in accordance with law.
7. Accordingly, the present Writ Petition, along with pending applications, stands disposed of.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 12, 2025

s.godara/pal

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