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

+ W.P.(C) 15441/2025, CM APPL. 63187/2025, CM APPL. 63188/2025, CM APPL. 63189/2025 and CM APPL. 63190/2025

MRS DEEPTI KUMAR

.....Petitioner

Through: Mr. Gautam Awasthi, Mr. Ayush Choudhary and Mr. Devanshu Yadav, Advs. with Petitioner in-person.

versus

STATE BANK OF INDIA

.....Respondent

Through: Mr. Premtosh K Mishra, Mr. Mayank Tripathi and Mr. Prarabdh Tiwari, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ORDER

09.10.2025

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1. Through the present Petition, the Petitioner assails the correctness of the order dated 17.09.2025 [hereinafter referred to as "Impugned Order"] passed by the learned Recovery Officer-II, Debts Recovery Tribunal-II, Delhi [hereinafter referred to as "DRT"] in RC No. 232/2014 titled *State Bank of India v. Amit Jain*.

2. The Impugned Order records that one bid had been received for the auction scheduled for 18.09.2025 in respect of property bearing No. 1-D, Ground Floor – Right Side Portion (25% undivided share), Block No. 124, known as 5 & 8, Pratap Singh Building, Janpath Lane, New Delhi-110001 [hereinafter referred to as "suit property"]. The learned Recovery Officer noted that the counsel for the certificate holder-bank had moved an application dated 05.09.2025 under Section



25(aa) of the Recovery of Debts and Bankruptcy Act, 1993 (“RDB Act”), seeking appointment of a Court Receiver to take physical possession of the suit property.

3. By the Impugned Order, the learned Recovery Officer allowed the said application and appointed one Sh. Sangit Kumar, Advocate, as Court Receiver for the purpose of taking physical possession, identification, and demarcation of the suit property. Detailed directions were issued to the Receiver, the Tehsildar, SDM, DDA, MCD, and the local police authorities to cooperate and assist in taking possession and securing the suit property. The Receiver was also directed to submit a report after taking possession and to be paid remuneration of Rs.50,000/- by the Certificate Holder Bank.

4. The grievance of the Petitioner is that the DRT proceeded to appoint a Court Receiver and permitted steps for taking possession of the suit property even though the Petitioner’s Statutory Appeal against the recovery certificate was pending before the DRT itself. It is contended that the Impugned Order was passed in undue haste, and that the auction scheduled for 18.09.2025 was conducted without affording the Petitioner a fair opportunity to contest the same.

5. Learned counsel for the Petitioner urges that since the Appeal before the DRT is still pending adjudication, any coercive steps including taking possession or auctioning of the suit property ought to have been stayed till disposal of the said Appeal.

6. *Per contra*, learned counsel appearing for the Respondent-Bank submits that the Impugned Order is a purely administrative direction issued in exercise of powers under Section 25(aa) of the RDB Act, 1993, and that the appropriate remedy available to the Petitioner lies before the Debts Recovery Appellate Tribunal (“DRAT”) under



Section 30(1) of the RDB Act. It is submitted that the writ petition is not maintainable in view of the settled principle that when a statutory alternative remedy exists, the High Court should not exercise its supervisory jurisdiction under Article 227 of the Constitution.

7. Having heard learned counsel for the parties and perused the material on record, this Court finds that the Impugned Order has been passed by the DRT in exercise of powers conferred under Section 25(aa) of the RDB Act. Against such an order, an Appeal lies under Section 30 of the RDB Act before the learned Presiding Officer of the Tribunal, and thereafter, a further Appeal lies to the DRAT under Section 20 of the said Act.

8. Admittedly, as noted in the course of hearing, the Appeal filed by the Petitioner before the DRT is pending consideration and, further, the auction in respect of the suit property has already been conducted on 18.09.2025. The Petitioner has, therefore, an efficacious alternative statutory remedy available under the RDB Act to challenge the Impugned Order.

9. It is now well settled that when a statute provides a complete machinery for redressal of grievances, recourse to writ jurisdiction should not ordinarily be entertained unless exceptional circumstances such as violation of fundamental rights, lack of jurisdiction, or breach of natural justice are established. No such exceptional circumstance has been demonstrated in the present case.

10. In these circumstances, this Court is not inclined to exercise its extraordinary jurisdiction under Article 226/227 of the Constitution of India.

11. The Petitioner, if so advised, may avail of the alternative statutory remedy of filing an Appeal before the appropriate forum in



accordance with law.

12. Accordingly, the present petition, along with all pending applications, is dismissed with liberty as aforesaid. It is clarified that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the parties are left open to be urged before the competent authority.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 9, 2025

s.godara/pal