



\$~53

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 1563/2025 & CM APPL. 65887/2025 (Exemption)
& CM APPL. 65888/2025 (Exemption)

VIBHA GUPTA

.....Petitioner

Through: Mr. Apoorva Bhumesh, Ms. Madhavi
Khare & Mr. Ankur Kumar Sharma,
Adv.

versus

VISHNO DEV MISHRA & ORS.

.....Respondents

Through: Mr. Janendra Lal, Ms. Yashmin
Tarapore & Mr. Jainendra, Adv. for
R-1 & 2.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
17.10.2025

%

1. This hearing has been done through hybrid mode.
2. The present petition under Sections 10 and 12 of the Contempt of Courts Act, 1971 seeks the following prayers:-

“i. Prosecute and punish the Respondents for committing willful and deliberate disobedience of Order dated 18.06.2018 and Order dated 23.08.2018 passed by this Hon’ble Court in W.P (C) No. 6636/2018; AND
ii. Issue any other Order or direction which this Hon’ble Court may deem fit and proper in the facts and circumstances of this case.”



3. *Vide* order dated 18.06.2018 in W.P.(C) 6636/2018, learned Division Bench of this Court had passed the following order: -

“Mr.Lal, learned counsel for the respondent submits that the physical possession has already been taken by the Bank and the premises sealed in the afternoon, as of today.

List on 27th June , 2018. till then, the Status-quo as of now shall be maintained by the parties.”

4. Subsequently, the aforesaid writ petition was disposed of by learned Division Bench *vide* order dated 23.08.2018 by observing as under:-

“ During the pendency of the present writ petition, the respondent-bank has taken physical possession of property bearing number C-732, New Friends Colony, New Delhi. In these circumstances, counsel for the parties jointly state that the interim order passed by us may continue till the next date of hearing before the Debts Recovery Tribunal in the securitization application filed by the petitioner. Thereupon, the Debts Recovery Tribunal would be at liberty to pass appropriate orders regarding continuation, modification or vacation of the stay order. We take the statement on record. We clarify that the stay order passed by this Court can be continued, modified or vacated by the Debts Recovery Tribunal after examining the facts and circumstances.

2. It is pointed out by the counsel for the parties that the next date of hearing before the Debts Recovery Tribunal is 31st August, 2018. Counsel for the petitioner states that they would be in difficulty and would request the Debts Recovery Tribunal for a short accommodation.

3. It is for the Debts Recovery Tribunal to fix a suitable and convenient date as per their calendar, albeit we will observe that the matter should be disposed of expeditiously and indulgence should not be granted to the parties as securitization application



should be decided and disposed of within a shortest possible time.

4. Counsel for the petitioner also seeks liberty to withdraw C.M. No.3372/2018 and states that a similar application would be filed before the Debts Recovery Tribunal on or before 31st August, 2018. Accordingly, C.M. No.3372/2018 is dismissed as withdrawn with liberty as prayed for.

5. Recording the aforesaid, the writ petition is disposed of without making observations and comments on merits.

Dasti.”

5. Learned counsel for the petitioner submits that the aforesaid orders have been violated by the respondent-Bank on account of the fact that the learned Debt Recovery Tribunal-I in terms of aforesaid order has not either modified or vacated the aforesaid stay order and despite the same, respondent Nos.1 & 2 in wilful disobedience of the directions have initiated action. It is also the case of the petitioner the cause of action in the present is continuing and therefore, the petition is within the limitation period.

6. Perusal of the record, particularly from the list of dates mentioned in the present petition, would reflect that the post the passing of the aforesaid orders the subject property was auctioned in pursuance of sale notices put by the respondent-Bank. The relevant dates and events, as stated in the petition post the passing of the aforesaid orders, read as under: -



01.04.2019, 21.10.2019	Final Arguments heard in the SA by the DRT Delhi
17.10.2019 08.03.2021	The company M/s Vibha Overseas Exim Pvt. Ltd. is liquidated under CP/IB/709/ND/2018 before NCLT.
2020- onwards	Various Sale Notices by the Bank are issued. The Petitioner was constrained to file I.As challenging the same.
01.08.2022	While the matter is pending before the DRT Delhi, E auction sale notice was issued by the Respondent Bank which relies on: • 27.06.2015 Demand Notice • 24.09.2015 Possession Notice
2022	Sale Notice is subsequently challenged vide IA No. 1843/2022 in SA No. 356/2017 before DRT Delhi.



24.08.2022	Auction proceedings are conducted and Sale in favour of Fides Distribution concluded. The sale is made subject to outcome of pending SA.
06.09.2022	The Respondent Bank filed Affidavit before the Ld. DRT in SA No. 356/2017 with details of auction sale and placed on record the sale certificate dated 26.08.2022.
07.09.2022	The Petitioner was constrained to file I.A. No. 2052/ 2022 (impleadment of auction purchaser), I.A. No. 2053/ 2022 (for amendment in pleadings) and I.A. No. 2055 / 2022 (setting aside sale) of 2022 are filed.
28.09.2022	On 28.09.2022 the Respondent Bank illegally handed over the subject premises to the auction purchaser.
16.11.2022	The SA bearing No. 356/2017 filed by the Petitioner was renumbered as TSA No. 404/2022 and transferred to DRT-II, Delhi.
06.07.2023	The Petitioner inter-alia submitted before the Registrar, DRT that the I.A. No. 2055/2022 is pending for hearing.



02.08.2023	I.A. No 2052/2022 is allowed by the Ld. PO in favour of the Petitioner.
21.09.2023	I.A. 2053/2022 (amendment) was also allowed by a reasoned order in favour of the Petitioner.
2023 onwards	The matter before the Ld. Registrar DRT is listed for completion of pleadings and for evidence of respective parties on various dates.
26.07.2024	When the matter is listed before the Ld. Registrar DRT, the Petitioner submitted that I.A No. 2055/2022 for setting aside sale is pending adjudication.
21.09.2025	While the matter is pending for completion of evidence, the Bank in connivance with the auction purchaser illegally allows unknown persons to enter the subject premises with heavy machinery and allows massive construction which is currently underway.
06.10.2025	The Petitioner was constrained to file I. A. No. 2835/2025 before the Ld. DRT seeking appointment of local commissioner and a status quo on the subject premises.



08.10.2025 09.10.2025	DRT-II Delhi vide Order dated 08.10.2025 was pleased to issue notice and fixed the next dated on 17.10.2025. When the matter was listed before the Registrar DRT-II for evidence on 09.10.2025, due to non-availability of stenographic assistance, the matter was adjourned and re-notified on 03.03.2026.
14.10.2025	The Petitioner is constrained to prefer the present Contempt Petition against the Respondents for willful and deliberate disobedience of the Orders dated 18.06.2018 and 23.08.2018.

7. A perusal of the aforesaid sequence of events would reflect that even as per the case of the petitioner, the bank had issued various sale notices 2020 onwards and the petitioner had, thereafter, filed certain IAs challenging the same. It is also a matter of record that the petitioner has initiated all possible remedies with respect to the aforesaid action of the bank before the learned DRT. It is pertinent to note that the aforesaid order was passed on 23.08.2018 and the alleged disobedience had taken place in 2020. The present petition is filed beyond the period of limitation as prescribed under Section 20 of Contempt of Courts Act, 1971.

8. Be that as it may, the petitioner has taken recourse to all possible remedies as permissible in law with respect to action taken by the respondent-Bank.



9. In view of the aforesaid facts and circumstances, in the considered opinion of this Court, the present petition under the Contempt of Court Act is not made out and the same is dismissed and disposed of.
10. Pending application, if any, also stands disposed of accordingly.
11. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

OCTOBER 17, 2025/nk