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

+ **W.P.(C) 18109/2025**

M/S DURGA TRACTORS

.....Petitioner

Through: Mr. Anurag Kumar and Mr. Nakul
Nirwan, Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Urvi Mohan, Panel Counsel,
Civil for GNCTD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **28.11.2025**

1. This writ petition is filed on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India seeking the following reliefs:-

“(I) Issue a Writ of Mandamus or any other appropriate writ, order(s), or direction(s) to the Respondent Cantin Homes Limited, directing it to consider and accept the Petitioner's One-Time Settlement (OTS) proposal dated 21.05.2022 in accordance with the principles of natural justice, fairness, and equity.

(II) Direct the Respondent to stay, postpone, or recall all sale/auction proceedings and recovery actions against the secured assets of the Petitioner until the final disposal of the OTS proposal and the present writ petition.

(III) Issue appropriate directions to the Respondent to pennit the sale of the m0ltgaged properties at fair market value, with the proceeds to be adjusted against the outstanding loan amount, and the remaining balance, if any, to be paid by the Petitioner as per mutually agreed telms.

(IV) Direct the Respondent to comply with the mandatory provisions of the SARFAESI Act, 2002, and the Security Interest Enforcement Rules, 2002, and restrain the Respondent from proceeding with any recovery actions that violate statutory requirements and procedural safeguards. Issue



appropriate directions to the Respondent in view of the order dated 26.04.2022 passed by the Hon'ble Debts Recovery Tribunal, Lucknow, in S.A. No. 227 of 2017, and to ensure compliance with the said order in letter and spirit.

(V) Direct the Respondent to refrain from alienating, transferring, or disposing of the secured assets or creating any third-party interests therein until the final adjudication of the present matter.

(VI) Issue appropriate directions to the Respondent, considering the extraordinary circumstances, including the impact of the COVID-19 pandemic on the Petitioner's financial condition, and to exercise due consideration and compassion while evaluating settlement proposals.

(VII) Direct the Respondent to act in accordance with the principles laid down by the Hon'ble Supreme Court in various landmark judgments, emphasising fairness, transparency, and good faith in dealings between financial institutions and borrowers.

(VIII) Issue appropriate directions to protect the fundamental rights of the Petitioner under Articles 14, 19(l)(g), and 21 of the Constitution of India, including the right to livelihood, dignity, and protection from arbitrary state action."

2. Issue notice.
3. Ms. Urvi Mohan, learned Panel Counsel accepts notice on behalf of Respondent No. 1/GNCTD.
4. Without entering into the merits of the case at this stage, the writ petition is disposed of with the direction to Respondent No. 3 to consider the One Time Settlement (OTS) proposal dated 21.05.2022 in accordance with law and communicate the decision thereon to the Petitioner within six weeks from today. Needless to state that if the Petitioner is aggrieved by the decision, it may take recourse to legal remedies, in accordance with law.

JYOTI SINGH, J

NOVEMBER 28, 2025

S.Sharma