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

+ **W.P.(C) 19490/2025**

AMIT SINGHAL & ANR.Petitioners

Through: Ms. Nistha Gupta, Advocate.

versus

EDELWEISS ASSET RECONSTRUCTION COMPANY LIMITED

.....Respondent

Through: Mr. Rajat Katyal, Mr. Harsh Sinha,
Ms. Ruchika and Mr. Ankur Jakhar, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **22.12.2025**

CM APPL. 81378/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 19490/2025 & CM APPL. 81377/2025

3. This writ petition is filed on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:-

“a. Pass an order thereby issuing a writ of certiorari or any other appropriate writ, order or direction, quashing and setting aside the e-auction conducted by Respondent Company on 02.12.2025 in respect of HIG Flat No. 31, 3rd Floor, The Goodwill CGHS Ltd., Plot No. 48, Sector-13, Rohini, Delhi-110085, insofar as it relates to the Petitioners.

b. Issue a writ of certiorari or any other appropriate writ, order or direction, quashing and setting aside the Sale Confirmation Letter dated 04.12.2025 issued by the Respondent Company in favour of the Petitioners.

c. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondent Company to refund forthwith the entire



amount deposited by the Petitioners, being 25% of the sale consideration aggregating to Rs. 37,68,295/- (Rupees Thirty Seven Lakh Sixty Eight Thousand Two Hundred and Ninety Five only), along with such interest as this Hon'ble Court may deem fit, within a timebound period."

4. Mr. Rajat Katyal, learned counsel appearing on advance copy of the writ petition on behalf of the Respondent, at the outset takes objection to the maintainability of this writ petition on the ground that bank has initiated proceedings against the Petitioners under SARFAESI Act, 2002 which are pending before the Debt Recovery Tribunal-I, Delhi and the remedy, if any, lies in approaching the Tribunal. He also submits that Petitioners waited to approach the Court after e-auction has concluded and no interim relief can be granted even otherwise.

5. At this stage, learned counsel for the Petitioners, on instructions, seeks to withdraw this writ petition with liberty to approach the appropriate forum.

6. Writ petition along with pending application is disposed of as withdrawn with liberty as prayed for, in accordance with law.

JYOTI SINGH, J

DECEMBER 22, 2025

S.Sharma