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

+ W.P.(C) 1467/2026 and CM APPL. 7139/2026

M/S PROTIUM FINANCE LIMITED

.....Petitioner

Through: Ms. Karuna Chhatwal and Mr.  
Joginder Sukhija, Advocates.

versus

GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Ms Avni Singh (Panel Counsel-  
GNCTD) with Mr Vaibhav Sharma,  
Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**ORDER**

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**03.02.2026**

1. The petitioner seeks the issuance of a writ in the nature of mandamus directing the registration authorities to register the Sale Certificate issued in favour of the auction purchaser, Mrs. Priyanka Singh, pursuant to a public auction conducted under the *Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002* "SARFAESI Act".

2. The dispute revolves around "subject property" bearing No. D-77, admeasuring 120 sq. yards (100.332 sq. mtrs.), situated at Lord Krishna Road, Village Bharola, Adarsh Nagar, Delhi, which was originally owned by Mr. Rajat Sethi and was subsequently purchased by Mrs. Soniya Kundra vide registered Sale Deed dated 14.12.2012.



3. In August 2022, Mrs. Soniya Kundra and her husband availed a loan facility from the petitioner and created a mortgage over the subject property by deposit of title deeds. Due to alleged persistent defaults, the loan account was classified as a Non-Performing Asset on 03.10.2023.

4. Further, the petitioner-initiated proceedings under the SARFAESI Act and, pursuant to an order under Section 14 obtained possession of the property through a Receiver. Thereafter subject property was sold by way of a public auction, and accordingly Sale Certificate was issued in favour of the bidder, Mrs. Priyanka Singh. It subsequently came to light that during the subsistence of the mortgage, the borrower had executed a sale deed in favour of a third party without the consent or knowledge of the petitioner.

5. Paragraph no. 5 of letter dated 09.01.2026 sent by the petitioner is extracted as under:

- a. *“5. However, as it so transpired, recently, it came to the knowledge of my Client that Mrs. Soniya Kundra had sold the said Property to one Mrs. Dimple Gupta, W/o Mr. Amit Gupta, Rio C-333, Gali No. 9, Majlis Park, Delhi-110033 vide Sale Deed bearing Registration No. 10470, In Addi. Book. No. 1, Volume No. 11.909, on Pages 37-46, dated 27.06.2023, without the knowledge and consent of my Client.”*

6. A careful perusal, thereto, would clearly indicate that one Ms. Soniya Kundra has already sold the said property to one Dimple Gupta. A document has been registered with the Office of Sub-Registrar. Unless that document is declared to be null and void or non-binding by the Court of competent jurisdiction, this Court under Article 226 of the Constitution of India cannot direct the registration of the fresh document in favour of Mrs. Priyanka Singh through the petitioner. Accordingly the petition fails and is hereby dismissed. The liberty to the petitioner, however, is granted to take



appropriate recourse in accordance with law.

**PURUSHAINdra KUMAR KAURAV, J**

**FEBRUARY 3, 2026**

aks/ap