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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 191/2026, CM Nos. 21109/2026, 21110/2026, 21111/2026 & 21112/2026

ADITYA BIRLA CAPITAL LIMITEDAppellant

Through: Mr. Ravi Gupta, Senior Advocate
with Ms. Ojaswi Sharma, Mr. Mahip
Datta, Ms. Muskaan Mehra, Mr.
Nirmit Bhalla and Ms. Shivani
Sharma, Advocates.

Versus

AMIT KUMAR SHARMA & ANR.Respondents

Through: Mr. Vineet Chadha, Advocate for R1.
Mr. B.B. Gupta, Senior Advocate
with Mr. Achal Gupta, Mr. Karan Jain
and Ms. Reena Jain Malhotra,
Advocates for R2/Auction Purchaser.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **06.04.2026**

1. Heard the learned Counsel for the Parties.
2. After arguing at some length, the learned Counsel for the Appellant states that the Appellant may be permitted to withdraw this Appeal with the liberty to approach the learned Single Judge by way of making an appropriate miscellaneous application raising the issue of non-maintainability of the contempt proceedings in the wake of the provisions contained in Section 17(7) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 read with Section 19(25) of the Recovery of Debts and Bankruptcy Act, 1993.
3. The learned Counsel for the Appellant states that the proceedings of the contempt petition instituted by Respondent No. 1 are not maintainable



also in view of the law laid down by the Hon'ble Supreme Court in ***R.N. Dey and Others v. Bhagyabati Pramanik and Others***, (2000) 4 SCC 400.

4. Accordingly, the Appeal is dismissed as withdrawn with the liberty as prayer for.

5. We make it clear that all the issues available in law to the Parties are kept open to be pressed before the learned Single Judge in the proceedings of the contempt petition.

6. We, however, request the learned Single Judge that in case any such application is made by the Appellant, the proceedings thereof shall be expedited and decided as early as possible.

7. It is needless to observe that the proceedings of the appeals instituted by the Appellant as also by Respondent No. 2 before the Debt Recovery Appellate Tribunal against the order passed by the Debt Recovery Tribunal, dated 21.02.2026 are independent of the contempt proceedings.

8. The Appeal stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

APRIL 6, 2026/sms