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

+ **W.P.(C) 7095/2026**

OM AND AJAY BUILDERSPetitioner

Through: Mr. GS Thakur, Advocate

versus

IIFL HOME FINANCE LTDRespondent

Through: Mr. Mukul Bhimani, Advocate

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

% **20.05.2026**

CM APPL. 34752/2026

1. Exemption allowed, subject to all just exceptions.
2. Accordingly, the present application is disposed of.

W.P.(C) 7095/2026 & CM APPL. 34751/2026

3. The present petition has been filed under Articles 226 and 227 of the Constitution of India for setting aside the Order dated 18.05.2026 passed by the learned Debt Recovery Tribunal-II, Delhi ('hereinafter referred to as DRT') in S.A No. 172/2026 and for restraining the respondent from taking possession of the subject property on 20.05.2026.
4. Heard learned counsel for the parties.
5. Learned counsel for the respondent raises a preliminary objection regarding the maintainability of the present petition on the ground that the petitioner has an efficacious alternative remedy before



the learned Debt Recovery Appellate Tribunal ('hereinafter referred to as DRAT'). It is further submitted that the petitioner has approached this Court by concealing material facts and making incorrect statements. Learned counsel for the respondent further submits that the notice dated 13.12.2021 issued under Section 13(2) of the SARFAESI Act was duly and validly served, and that the loan account was never regularized thereafter.

6. *Per contra*, learned counsel for the petitioner submits that the loan account had, in fact, been regularized.

7. However, these disputed questions of fact cannot appropriately be adjudicated upon by this Court while exercising jurisdiction under Articles 226 and 227 of the Constitution of India.

8. The petitioner has an efficacious alternative remedy before the learned DRAT, where all factual disputes may be raised and adjudicated upon in accordance with law.

9. In view of the aforesaid, this Court is not inclined to exercise its discretionary jurisdiction under Articles 226 and 227 of the Constitution of India.

10. Accordingly, the petition along with pending applications, if any, stands dismissed.

VIVEK CHAUDHARY, J

RENU BHATNAGAR, J

MAY 20, 2026/ *neha/sm*