



2026:DHC:1401



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15468/2022, CM APPL. 48113/2022 and CM APPL. 55912/2023**

Date of Decision: 09.02.2026

IN THE MATTER OF:

SHIKHAR MICROFINANCE PVT. LTD. AND ORS

.....Petitioners

Through: Mr. Rajeeve Mehra, Sr. Advocate
with Mr. Pramod Singh and Mr.
Anmol Stephen Singh, Advocates.

versus

DELHI FINANCIAL CORPORATION AND ORS

.....Respondents

Through: Mr. Deepak Deewan, Mr Shobhit
Malik, Advocates.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The instant petition is for the following reliefs:-

"I. Issue a writ or order quashing the certificate of recovery dated 09.08.2021 purportedly issued by the Competent Authority u/s 32G of the SFC Act, 1951 (Copy not Provided to the Petitioners);

II. Issue a writ or order quashing proceedings before the SDM (Dwarka) initiated vide notice dated 14.09.2021 and all processes issued, and the consequence thereof based on the certificate of recovery dated 09.08.2021;

III. Issue a writ or order quashing proceedings before the Hon'ble

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District and Session Judge (south west district, Dwarka) initiated vide notice dated 11.10.2021; and

IV. Such further order/s or direction/s as this Hon'ble Court may deem fit and proper in the interest of justice in favour of the Petitioner."

2. Heard learned counsel appearing on behalf of the parties.
3. The Court has considered the observations made in its order dated 10.11.2022, which are extracted as under:

"5. From the material which has been placed for the perusal of the Court, it is evident that the proposal which was so tendered was ultimately turned down by the Corporation in terms of its communication dated 10 October 2022. Learned counsel appearing for the Corporation has also drawn the attention of the Court to the undertaking which was given before the Sub-Divisional Magistrate, Dwarka on 27 December 2021 in terms of which the petitioner had held out that it would deposit a sum of Rs. 10 lakhs initially and Rs. 1 crore thereafter from the sale of land. Those issues however have yet not been resolved between the parties.

6. In view of the aforesaid, the Court takes on board the statement made by Mr. Mehra, learned Senior Counsel who on instructions submits that a sum of Rs.10 lakhs shall be tendered to the respondent Corporation within 24 hours and a further sum of Rs. 10 lakhs shall be deposited within a period of two weeks therefrom.

7. The petitioner shall also and in the interim submit a detailed proposal with respect to repayment to the respondent Corporation within a period of one week from today and place a copy of the same on the record of the present writ petition.

8. Subject to the petitioner complying with the aforesaid conditions, the respondents shall stand restrained from taking coercive steps against them till the next date of listing."

4. The primary contention raised by Mr. Rajeev Mehra, learned senior counsel, is that the petitioner is not an industrial concern, and therefore, does not fall within the purview of the State Financial Corporation Act, 1951.
5. In this connection, it may be noted that the respondent no. 1-Delhi



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Financial Corporation ('DFC') has already approached the jurisdictional Principal District & Sessions Judge ('PDSJ'), SW-Dwarka Courts, New Delhi seeking necessary recoveries against the petitioner herein. The said case is registered as Ct. No.1243/2021, CNR No. DLSW01-009262-2021 (hereinafter "**said Case**"). Order dated 25.03.2022, in the said case reads as under:

"I have seen various previous orders. Affidavit of income/assets of respondent is already on record and copy thereof has already been supplied to the applicant. It was noticed on the last date that the competent persons from both the sides would appear so that one more attempt for settlement could be made.

No one has appeared or joined proceedings on behalf of respondent.

I may also highlight that in order dated 17.01.2022, it is categorically mentioned that Sh. Pramod Singh, Ld. counsel for respondent had submitted that he would communicate the respondent not to transfer the assets owned and possessed by the respondent, till the pendency of present petition.

*Be that as it may, one final opportunity is granted to the respondent to appear and to defend the matter in the right earnest. **Simultaneously, applicant is also directed to place on record the requisite documents showing that the respondent is a industrial concern under The State Financial Corporation Act, 1951.***

No further opportunity would be granted to the respondent.

Put up on 11.04.2022 for arguments."

(Emphasis supplied)

6. It is, therefore, seen that the adjudication required to be undertaken in the present writ petition is already a subject-matter of the proceedings in the said Case before the PDSJ, SW-Dwarka Courts. Since this Court, in any case, is not equipped to conduct a trial, or arrive at determinations *qua* disputed questions of facts, and furthermore because the writ remedy is not



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to be utilised to delve into private law, it is found apposite to direct the parties to pursue their respective remedies before the PDSJ-SW-Dawarka Courts.

7. The parties undertake to appear before the said Court and to make their submissions on 16.02.2026, when the matter is stated to be listed.

8. The aforesaid statement is taken on record.

9. Let the concerned PDSJ to adjudicate the matter with due expedition and to pass an appropriate order within a period of three months from the date of receipt of a copy of the order passed today.

10. Needless to state that till the matter is decided, the interim order dated 10.11.2022 shall remain in force.

11. It is made clear that further recourse, if any, shall be dependent upon the order to be passed by the concerned District Judge.

12. With the aforesaid observations, the instant petition stands disposed of along with all pending applications.

13. All rights and contentions of the parties are left open.

PURUSHAINdra KUMAR KAURAV, J

FEBRUARY 9, 2026

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