



2025:DHC:11766-DB



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

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Judgment reserved on: 02.12.2025

Judgment pronounced on: 23.12.2025

Judgment uploaded on: 23.12.2025

+ W.P.(C) 18257/2025, CM APPL. 75549/2025, CM APPL. 75550/2025 & CM APPL. 75551/2025

TRUEVALUE MARKETING SERVICES PRIVATE LIMITED AND ANR.Petitioners

Through: Mr. Rajeev Mehra, Sr. Adv.
along with Mr. Samyak Bilala,
Advocate

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Premtosh K. Mishra,
CGSC along with Mr. Anurag
Tiwari, Mr. Prarabhdh Tiwari
and Mr. Shrey Sharma,
Advocates for R-1/UoI.
Mr. Vipin Jai and Mr. Ujjwal
Goel, Advocates for R-5/BoI

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

J U D G M E N T

ANIL KSHETARPAL, J.

1. Through the present petition, the Petitioners (the Auction Purchasers of the properties located in Mumbai and Chennai) assail the correctness of the order dated 08.04.2025 [hereinafter referred to as 'Impugned Order'] passed by the learned Presiding Officer, Debts Recovery Tribunal [hereinafter referred to as 'DRT'] -II, Delhi against



which a statutory Appeal is maintainable before the Debts Recovery Appellate Tribunal [hereinafter referred to as 'DRAT'].

2. The limited issue before this Court is whether the Petitioners, despite the availability of a statutory appeal, have been rendered remediless on account of administrative and procedural impediments, warranting exercise of writ jurisdiction to facilitate access to the appellate forum.

3. The Impugned Order primarily:

- i. Transferred the execution of the Recovery Certificate dated 29.08.2017 to the Debts Recovery Tribunals in Mumbai and Chennai;
- ii. Entertained a Miscellaneous Application (MA) filed by the Certificate Debtors raising objections with respect to territorial jurisdiction; and
- iii. Issued consequential directions in relation to the pending recovery proceedings.

FACTUAL MATRIX

4. In order to comprehend the issues involved in the present case, relevant facts in brief are required to be noticed.

5. The dispute arises out of recovery proceedings initiated under the RDB Act. An Original Application being O.A. No. 58/2016 was instituted before the DRT-II, Delhi by the Respondent No. 5/Bank of India against the Certificate Debtors. Upon adjudication, a Recovery Certificate dated 29.08.2017 came to be issued.



6. Pursuant to the issuance of the Recovery Certificate, recovery proceedings were initiated and registered as RCA No. 260/2017 before the Recovery Officer, DRT-II, Delhi. In the course of execution, auction proceedings were conducted in respect of certain immovable properties belonging to the Certificate Debtors. The auction sale was conducted on 12.02.2020. Petitioner No. 1 emerged as the auction purchaser in respect of the Mumbai property, while Petitioner No. 2 emerged as the auction purchaser in respect of the Chennai property.

7. Following the auction proceedings, various applications and objections were filed from time to time before the Recovery Officer as well as before the Presiding Officer, DRT-II. One such application, being M.A. No. 89/2020, was filed invoking Section 7(2) of the RDB Act. An order dated 21.01.2021 came to be passed therein by the Presiding Officer, DRT-II.

8. Aggrieved by the order dated 21.01.2021, miscellaneous appeals were filed before the DRAT, Mumbai, including Misc. Appeal Nos. 57/2021, 58/2021 and 67/2021. By order dated 29.04.2024, the DRAT Mumbai allowed the said Appeals, set aside the order dated 21.01.2021 and directed that M.A. No. 89/2020 be treated as an Appeal under Section 30 of the RDB Act, subject to compliance with the statutory requirements.

9. Thereafter, in the recovery proceedings, an application dated 18.09.2024, bearing I.A. Diary No. 394/2024, was filed by the Certificate Debtors before the Recovery Officer, raising objections,



inter alia, with respect to territorial jurisdiction. The said application came to be dismissed by the Recovery Officer by order dated 07.10.2024.

10. Subsequent thereto, the Certificate Debtors filed a Miscellaneous Application before the Presiding Officer, DRT-II, Delhi, raising objections concerning territorial jurisdiction of the Recovery Officer and seeking transfer of the recovery proceedings. The said application culminated in the passing of the order dated 08.04.2025 by the Presiding Officer, DRT-II, Delhi. By the said order, the Presiding Officer directed transfer of the execution proceedings to the respective Debts Recovery Tribunals at Mumbai and Chennai.

11. Aggrieved by the order dated 08.04.2025, the Petitioners approached this Court by way of a writ petition being W.P.(C) 6199/2025. By order dated 09.05.2025, this Court granted liberty to the Petitioners to file an Appeal before the Debts Recovery Appellate Tribunal against the Impugned Order.

12. At the relevant time, the Chairperson of DRAT Delhi had recused from matters arising out of the same proceedings, and the DRAT Mumbai was vacant. In these circumstances, the Petitioners approached the DRAT Chennai on 20.06.2025 for filing an Appeal against the order dated 08.04.2025. The Registry of DRAT Chennai did not accept the filing, citing issues relating to territorial jurisdiction and the constraints of the e-filing system.

13. Thereafter, the Petitioners approached the Chairperson, DRAT Chennai, seeking directions. In view of the procedural difficulties



faced, the Petitioners filed a clarification application before this Court in the earlier writ proceedings being W.P.(C) 6199/2025. By order dated 18.07.2025, this Court clarified and granted permission to the Petitioners to file an Appeal against the Impugned Order before the DRAT Chennai.

14. Pursuant to the order dated 18.07.2025, the Petitioners again approached DRAT Chennai on 30.07.2025 for filing the Appeal. However, the Appeal was not accepted, and the Petitioners were advised to file the Appeal before DRAT Delhi for appropriate transfer.

15. Correspondence ensued between the Petitioners and the Registry of DRAT Chennai. By letter dated 28.08.2025, the Registry informed the Petitioners, *inter alia*, that the charge of DRAT Delhi had been entrusted to DRAT Kolkata pursuant to a notification dated 11.08.2025, and that the Appeal could be filed online before DRAT Delhi. In the interregnum, by order dated 04.06.2025 passed in RCA No. 260/2017, the Recovery Officer, DRT Delhi recorded that the Petitioners had liberty to approach the DRAT and further observed that the recovery proceedings would not be transferred until the next date of hearing. The matter was thereafter adjourned to 18.12.2025.

16. On 16.10.2025, the Petitioners filed an Appeal against the Impugned Order dated 08.04.2025 before the DRAT Delhi. Certain procedural defects were pointed out by the Registry, and the matter was listed before the Registrar on 07.11.2025. The Petitioners were advised to file a praecipe seeking early hearing.

17. Accordingly, on 10.11.2025, the Petitioners filed a praecipe for



early listing of the Appeal. However, by an email dated 12.11.2025 issued from the office of the Chairperson, DRAT Delhi, the Petitioners were informed that the Appeal was not maintainable in view of the order dated 18.07.2025 passed by this Court permitting filing of the Appeal before DRAT Chennai. In the meantime, on 11.11.2025, recovery proceedings were listed before the Recovery Officer, DRT-III, Vashi, Navi Mumbai, pursuant to the transfer effected in terms of the Impugned Order dated 08.04.2025.

18. In the above circumstances, the Petitioners have approached this Court with the grievance that despite repeated attempts over several months, they have not been able to have their statutory Appeal against the order dated 08.04.2025 entertained by any appellate forum under the RDB Act. Hence, the present petition has been filed by the Petitioners.

19. CONTENTIONS OF THE PETITIONERS

19.1 Learned senior counsel for the Petitioners submitted that the Impugned Order dated 08.04.2025 is contrary to the statutory scheme of the RDB Act, which constitutes a complete code governing adjudication and recovery of debts, including execution of Recovery Certificates.

19.2 It was contended that once a Recovery Certificate dated 29.08.2017 was issued, the Recovery Officer was statutorily bound to execute the same in accordance with Chapter V of the RDB Act, and could not be divested of jurisdiction by entertaining objections to territorial jurisdiction, which are expressly barred under Section 26 of



the RDB Act.

19.3 It was submitted that Section 19(23) of the RDB Act is directory and not mandatory, and does not oblige the Presiding Officer to transfer execution proceedings merely because the immovable properties are situated outside the territorial jurisdiction of the Tribunal issuing the Recovery Certificate.

19.4 It was further urged that the Certificate Debtors raised objections to territorial jurisdiction at a highly belated stage, after completion of auction proceedings, and are barred from doing so by principles of waiver, estoppel, constructive res judicata, and Section 21 of the Code of Civil Procedure, 1908, even assuming its applicability.

19.5 It was contended that the Miscellaneous Application entertained by the Presiding Officer was an abuse of process, filed to circumvent the statutory appellate remedy under Section 30 read with Section 30-A of the RDB Act, and that the Impugned Order has resulted in serious prejudice to *bona fide* auction purchasers and prolonged execution proceedings.

20. CONTENTIONS OF THE RESPONDENTS

20.1 Learned counsel for the Respondents supported the Impugned Order and submitted that the Presiding Officer rightly exercised jurisdiction under Section 19(23) of the RDB Act in directing transfer of execution proceedings to the Tribunals within whose territorial jurisdiction the subject immovable properties are situated.



20.2 It was contended that execution of a Recovery Certificate in respect of immovable property must ordinarily be undertaken by the Tribunal having territorial jurisdiction over the location of such property, and that continuation of execution before DRT-II, Delhi would be without jurisdiction.

20.3 It was further contended that the objections raised by the Certificate Debtors were maintainable, and that the Presiding Officer was competent to examine the question of territorial jurisdiction in exercise of supervisory powers over the Recovery Officer.

20.4 Lastly, it was submitted that no prejudice has been caused to the Petitioners by the Impugned Order, and that transfer of execution proceedings would facilitate orderly and lawful enforcement of the Recovery Certificate.

ANALYSIS & FINDINGS

21. This Court has considered the rival submissions advanced by learned counsel for the parties and has carefully examined the material placed on record, particularly the sequence of events following the passing of the order dated 08.04.2025 by the Presiding Officer, DRT-II, Delhi.

22. At the outset, it is necessary to note that the Impugned Order dated 08.04.2025 passed by the Presiding Officer, DRT-II, Delhi, is an order which is appealable under Section 30 of the RDB Act. Ordinarily, therefore, this Court would be slow to exercise its writ jurisdiction under Article 226 of the Constitution of India in relation



to such an order, particularly where a statutory appellate remedy is available.

23. However, the present case discloses exceptional circumstances. The factual chronology set out hereinabove demonstrates that, despite the liberty granted by this Court on 09.05.2025, the Petitioners have made repeated and *bona fide* attempts to avail of their statutory appellate remedy against the Impugned Order, but have been unable to secure consideration of their Appeal by any Debts Recovery Appellate Tribunal, owing to a combination of recusals, vacancies, jurisdictional objections raised by Registries, and administrative arrangements relating to allocation of charge. The failure of the appeal to be entertained thus far cannot be attributed to any inaction, negligence, or lack of diligence on the part of the Petitioners, but is a consequence of procedural and administrative impediments beyond their control.

24. The record further indicates that:

- i. the Petitioners first approached the DRAT Chennai;
- ii. thereafter sought clarification from this Court;
- iii. again attempted filing before DRAT Chennai pursuant to the clarification dated 18.07.2025;
- iv. were advised to approach DRAT Delhi;
- v. filed an appeal before DRAT Delhi on 16.10.2025; and
- vi. were ultimately informed that the appeal was not maintainable in view of the earlier order permitting filing before DRAT Chennai.



25. In the meantime, the recovery proceedings stood transferred pursuant to the Impugned Order and were taken up by the Recovery Officer, DRT-III, Vashi, Navi Mumbai. Thus, while the statutory appeal against the order dated 08.04.2025 has not been entertained by any appellate forum, the consequences flowing from the said order have already begun to operate.

26. In the considered view of this Court, a litigant cannot be placed in a situation where a statutory right of appeal is rendered illusory on account of procedural or administrative impediments. It is well settled that while the existence of an alternate statutory remedy ordinarily disentitles a party from invoking writ jurisdiction, such a rule is not absolute. Where a statutory remedy is rendered inefficacious in practice, or where a litigant is left remediless despite diligent pursuit of such remedy, this Court would be justified in exercising its jurisdiction to ensure that access to justice is not defeated. The appellate mechanism under the RDB Act forms an integral part of the statutory scheme, and access to such a forum cannot be denied for reasons beyond the control of the aggrieved party.

27. This Court also deems it necessary to clarify the scope and effect of the order dated 18.07.2025 passed in W.P.(C) 6199/2025. The said order was rendered in the backdrop of a peculiar and transitory administrative situation, namely, the recusal of the Chairperson, DRAT Delhi, the vacancy at DRAT Mumbai, and the temporary entrustment of charge of DRAT Mumbai to DRAT Chennai. It was in those circumstances alone that this Court permitted the Petitioners to avail the alternate remedy before DRAT Chennai,



till the Chairperson, DRAT Mumbai assumed charge.

27.1 The said clarification cannot be construed as permanently confining the Petitioners to a particular appellate forum, irrespective of subsequent administrative developments. The record placed before this Court indicates that the Chairperson who had recused is no longer holding charge, and that, pursuant to a notification dated 11.08.2025, the charge of DRAT Delhi presently stands entrusted to DRAT Kolkata. In these circumstances, the impediment which necessitated the order dated 18.07.2025 no longer subsists.

27.2 Consequently, the Petitioners cannot be non-suited on the ground that they were earlier permitted to approach DRAT Chennai, nor can their statutory right of appeal be foreclosed on the basis of a clarification which was expressly contingent upon a then-prevailing administrative arrangement.

28. At the same time, this Court is conscious of the fact that the rival contentions raised by the parties, including those touching upon the scope of Sections 19(23) and 26 of the RDB Act, the stage at which objections as to territorial jurisdiction may be entertained, and the effect of such objections after completion of auction proceedings, involve questions which properly fall for consideration before the statutory appellate forum.

29. This Court, therefore, considers it appropriate to confine its interference to facilitating effective access to the statutory appellate forum, without expressing any opinion on the merits of the Impugned Order dated 08.04.2025. The interference warranted in the present



case is confined to ensuring that the Petitioners are afforded an effective and meaningful opportunity to avail their statutory appellate remedy.

30. In these circumstances, the interests of justice would be subserved by issuing appropriate directions to ensure that:

- i. the Petitioners' Appeal against the order dated 08.04.2025 is entertained by a competent Debts Recovery Appellate Tribunal within a period of 07 (seven) days, and
- ii. the subject matter of the Appeal is not rendered infructuous pending such consideration.

CONCLUSION & DIRECTIONS

31. Accordingly, the present Petition is disposed of with the following directions:

- i. The Petitioners shall be at liberty to file or pursue their Appeal against the Impugned Order dated 08.04.2025 before the Debts Recovery Appellate Tribunal, Delhi, which Appeal shall be considered by the DRAT presently holding administrative charge over DRAT Delhi, in accordance with law, or by such other DRAT as may be administratively designated within a period of 7 (seven) days from the date an application/Appeal is filed along with a copy of this order.
- ii. Upon such filing, the concerned Debts Recovery Appellate Tribunal shall entertain the Appeal and consider the same on merits, without being influenced by any observations contained in the



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Impugned Order or in the present judgment.

32. It is clarified that this Court has not expressed any opinion on the merits of the contentions raised by either party and all rights and contentions are left open to be urged before the appropriate forum in accordance with law.

33. The present Petition, along with all the pending applications, is disposed of in the above terms.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

DECEMBER 23, 2025

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