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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13092/2022 & CM APPL. 39676-39677/2022.
SANJAY BANSAL & ANR. Petitioners

Through: Mr. Ramakant Gaur, Ms. Perna
Agarwal, Ms. Sneha Arya and Ms.
Harshi Gaur, Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Ravi Prakash, CGSC with Mr.
Farman Ali, Ms. Mohd. S. Ulla and
Ms. Priya Mishra, G.P. for R-1/UOI.
Mr. Rishabh Malik and Mr. Sanjay
Bansal, Advocates for R-3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
% **08.09.2022**

1. Petitioners are aggrieved by possession notice dated 17th May, 2022 [hereinafter "*possession notice*"] *qua* property at Plot No. C-262, Mayfield Garden, Sector-50, Gurugram, Haryana [hereinafter "*subject property*"] which he says has been purchased from one Mr. Lalit Suri, who is stated to be the auction purchaser of the subject property from Oriental Bank of Commerce *vide* sale certificate dated 15th February, 2018.
2. Petitioners' grievance is that Respondent No. 3 [Piramal Capital and Housing Finance Limited] has issued the impugned possession notice dated 17th May, 2022 and also approached the Deputy Commissioner, Gurugram

for appointment of a Receiver under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 [hereinafter “*SARFAESI Act*”] and the threat to be dispossessed is imminent.

3. Petitioner has already approached DRT-I impugning the possession notice by filing a Securitisation Application [“S.A.”] under Section 17 of the SARFAESI Act. Mr. Ramakant Gaur, counsel for Petitioners states that the said petition has not been heard by DRT-I and reliance is placed on orders dated 13th June, 2022, 01st August, 2022, 08th August, 2022 and 23rd August, 2022. A perusal of afore-noted orders reveals that the DRT, Allahabad has taken additional charge of DRT-I, New Delhi and therefore, due to heavy workload, only very urgent matters are taken up through video-conferencing mechanism.

4. While that may be a genuine reason for DRT not to take up Petitioners’ matter, however, considering the fact that application under Section 14 of the SARFAESI Act, which is now listed for arguments on 14th September, 2022 – the concerned bench of DRT is accordingly, requested to take up the S.A. of Petitioner for hearing on the next date fixed i.e., 27th September, 2022.

5. Mr. Rishabh Malik, counsel for Respondent No. 3 states that any action under Section 14 of SARFAESI Act would obviously be subject to orders of the competent court, and in any event, no action shall be taken by Respondent No. 3 till such time, Petitioner’s application is taken up for hearing on 27th September, 2022.

6. It is noted that the Court has not examined the merits of the case and all rights and contentions of the parties are left open.

7. With the fore-going directions, the present petition is disposed of along with pending application.

SANJEEV NARULA, J

SEPTEMBER 8, 2022/as