
(2022) 04 DEL CK 0116

In the Delhi High Court

Case No : Civil Writ Petition No. 6109 Of 2022, Civil Miscellaneous No. 18437 Of 2022

Sourabh Shrivastava & Anr

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 13-04-2022

Acts Referred:

Citation : (2022) 04 DEL CK 0116

Hon'ble Judges : Rajiv Shakdher, J; Poonam A. Bamba, J

Bench : Division Bench

Advocate : Sumit Sinha, Ravi Prakash, Farman Ali, Shruti Shivkumar, Tana Yasin

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

CM No.18438/2022

1. Allowed, subject to just exceptions.

W.P.(C) 6109/2022 & CM No.18437/2022[Application filed on behalf of the petitioners for interim directions(s)]

2. Mr Sumit Sinha, who appears on behalf of the petitioners, says that the petitioners have been constrained to approach this Court, as, in effect, the Debt Recovery Tribunal (DRT)-III, Delhi is not functioning.

2.1. The reason that Mr Sinha makes this submission is that the urgent applications are not being heard.

2.2. We are told that the Presiding Officer, who has been given additional charge, because of case load, is not able to hear even those applications, where urgent relief is sought.

3. Ms Shruti Shivkumar, who appears on behalf of respondent no.1/Union of

India (UOI), says that although the Presiding Officers have been appointed for the DRTs, including the concerned DRT i.e., DRT-III, the officers appointed have been given the leeway of one month to take charge.

4. Mr Sinha says that an advance copy of the present writ was served on the standing counsels of the respondents, which includes the concerned banks. However, as noticed above, save and except respondent no.1/UOI, there is no representation on behalf of the other respondents.

5. We are informed by Mr Sinha that the petitioners have approached DRT-III, via SA No.209/2021, to seek the necessary relief. [See Annexure P-10.]

5.1. We are also told that notice in the aforesaid SA was issued on 16.12.2020, which was made returnable on 29.04.2021. Since then, the matter has been now directed to be listed on 10.05.2022.

6. Given this position, the writ petition is disposed of with the following directions:

(i) The petitioners will present themselves before the Presiding Officer, who holds the additional charge for DRT-III, on 20.04.2022. Till then, the respondents will maintain status quo vis-à-vis the subject property, which is, described as following in SA No.209/2021 :

"Flat no.-C-907, 9th Floor, Tower-C, Ninex City, Village Kherki, Daula, Sector-76, Gurgaon, Haryana."

(ii) The Presiding Officer of DRT-III (Additional Charge) will pass suitable orders, which would include vacating the status quo order, and/or modifying the same, after the petitioners and the opposite parties are heard in the matter.

6.1. The petitioners will ensure that the copy of the order passed today is served on the respondents, including their standing counsel.

7. We may note that we have queried Mr Sinha, as to whether or not the officer authorised by the District Magistrate, Gurugram, via the impugned order dated 06.04.2022, has visited the location where the secured asset i.e., the subject immovable property, as noticed above, is located.

7.1. Mr Sinha says that the authorised officer i.e., Mr Mohit Chaddha has not visited and inspected the site, as yet, where the secured asset is located.

7.2. We are also informed that the authorised officer i.e., Mr Mohit Chaddha has not given any notice/intimation fixing the date, by which the petitioners are required to vacate the subject property.

7.3. Given this position, the direction issued for granting expedited hearing in SA No.209/2021 should suffice.

8. Parties will act, based on the digitally signed copy of this order.

9. Consequently, pending application shall stand closed.