



\$~16

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of decision: 28th March, 2024*

+ W.P.(C) 4585/2024 & CM APPL. 18792/2024

ASHOK CHATURBHUI BHATIA

..... Petitioner

Through: Mr. Anuj Aggarwal with Mr. Kaushik Rana, Mr. Aakash Dhaiya, Mr. Vikrant Chawla, Mr. Arhsya Singh and Mr. Yash Upadhyay, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vikrant N Goyal with Ms. Anushka Jaiswal Rai Aggarwal and Ms. Satvika Goyal, Advocates for UOI.

Mr. Raghav Chadha, Advocate for R-3 & 4.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present Writ Petition has been filed under Article 226 and 227 of the Constitution of India seeking issuance of writ of mandamus or any other appropriate writ with the following prayer:

“a. Issue a Writ of Mandamus or any other appropriate writ, directing the Respondents 1 and 2 to not give effect to the asset-sale process or to create any third-party interest on 29.03.2024 in respect of the property bearing number Gat No. 246 (Plot No. 77) admeasuring area 501.69 square meters in the land survey number 46, 70/2, 70/3, 70/4, 70/5, 70/6, 69 of Gitanjali Society situated at the village Deoghar (Devghar) in the Registration Sub District of Maval (Mawal), Pune till the time the Respondent No. 2 affords a



*reasonable opportunity to the Petitioner of being heard;
and*

*b. Pass any other order/s, which your lordships may deem
fit and proper in the facts and circumstances of the present
case as well as in the interest of justice.”*

2. Learned counsel for the petitioner submits that e-auction is scheduled for tomorrow but he is constrained to file Writ Petition as he is in no position to move NCLT as it would reopen 01.04.2024 only. During course of the arguments, he has thus prayed for relief for the interregnum only so that he can approach NCLT where liquidation proceeding are pending. He does not seek any further relief at the moment.
3. Sh. Raghav Chadha, learned counsel has put in appearance on behalf of respondent nos. 3 & 4. He does admit that the auction is due for tomorrow but in view of the fact that the NCLT, Delhi would reopen only on 01.04.2024, they would keep the auction, with respect to the property in question, on hold for a period of one week from today, so as to enable the petitioner to approach NCLT.
4. Such statement is taken on record.
5. In view of the aforesaid, nothing survives in the present writ petition. Needless to reiterate, the petitioner would be at liberty to approach NCLT within one week from today and as undertaken, the auction of property in question, shall remain on hold till then only.
6. The writ petition along with all the pending applications stand disposed of in the aforesaid terms.

MANOJ JAIN, J

MARCH 28, 2024/MR