IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE
SOUTH WEST DISTRICT, DWARKA COURTS COMPLEX
DELHI

Presiding Officer: Shriya Agrawal

SARFAESI PETITION

Ct. Cases. 13/2025

In the Matter of :

HINDUJA HOUSING FINANCE LTD.
Flat no. 286, Pocket-1, Second Floor,
Sector 25, 25 Near CNG Pump,
Rohini-110085. **.....Applicant**

Versus

1. **Mrs. Anju Gupta**
   At :
   Flat no. 7, Gali no. 9, Jagatpur
   Extn, Wazirabad, New Delhi-110084.

   Also at :
   Property Bearing no. 21, UGF,
   (Southern Side Flat), Khasra no. 317 & 318,
   Nawada Mazra, Hastsal, Sidharth Enclave,
   Uttam Nagar, New Delhi.

2. **Mr. Ravish Kumar**
   At :
   Flat no. 7, Gali no. 9, Jagatpur
   Extn, Wazirabad, New Delhi-110084.

   Also at :
   Property Bearing no. 21, UGF,
   (Southern Side Flat), Khasra no. 317 & 318,
   Nawada Mazra, Hastsal, Sidharth Enclave,
   Uttam Nagar, New Delhi.

…..Respondent /Borrower

ORDER
Dated : 10.02.2025

Present: Ld. Counsel for applicant bank.

1. The loan documents, original title deeds in respect of the mortgaged asset, and the notices and other documents have already been seen and returned to the AR of the applicant. **The statement of the AR is recorded.**

2. This is an application moved by the applicant under Section 14(2) of The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 **(in short SARFAESI Act, 2002),** seeking assistance of this court in taking physical possession of the mortgaged property i.e "**BUILT UP PROPERTY BEARING NO. 21, UPPER GROUND FLOOR (SOUTHERN SIDE FLAT), WITHOUT ROOF/TERRACE RIGHTS, AREA MEASURING 60 SQ. YDS, OUT OF KHASRA NO. 317 & 318, SITUATED IN THE REVENUE ESTATE OF VILLAGE, NAWADA MAZRA, HASTSAL, COLONY KNOWN AS SIDHARTH ENCLAVE, UTTAM NAGAR, NEW DELHI-110059, BOUNDARIES : EAST: OTHER'S PROPERTY, WEST: ROAD 15 FT. WIDE, NORTH: OTHER'S PROPERTY, SOUTH: ROAD 25 FT. WIDE".**

3. Submissions heard.

4. In my considered opinion, as and when an application is moved by the secured creditor seeking assistance of the court to take the physical possession of the secured asset in terms of Section 14 of

SARFAESI Act, the court i.e. CJM is required to provide the requisite assistance to the secured creditor in taking possession of the secured asset, subject of course to the compliance of provisions of Section 14 proviso (i) to (ix) of the SARFAESI Act by the secured creditor. In the case in hand, the applicant has filed an affidavit in strict compliance with proviso (i) to (ix) of the SARFAESI Act detailing the outstanding liability of the borrowers/guarantors towards the applicant to the extent of **Rs. 30,13,707/-** and as to the service of notice in terms of Section 13(2) of the SARFAESI Act, 2002 upon the borrower and non-compliance of the demand by the borrower despite expiry of the prescribed period and classification of the aforesaid loan account as NPA w.e.f **6.03.2024.**

5. Therefore, having verified the averments of the affidavit from the documents, this court proceeds to appoint the Receiver for taking possession of the aforesaid mortgaged asset and handing over of the same to the AR of the applicant.

6. **Advocate Amit Kumar Gupta, Enrollment no. D/525/13, Mobile number 9953338021** is thus appointed as official receiver to take possession of the secured asset, with the requisite police assistance, if required.

7. For compliance of this order, the Receiver is directed to act as per the following terms :-

1. The Receiver shall give possession notice to the authorized officer of secured creditor and borrowers within 7 days from receipt of this Order and possession notice shall also be affixed upon the main door or other conspicuous portion of aforesaid property. The said notice should specifically mention the date for taking possession. The

Receiver shall take coloured photograph of aforesaid immovable property showing display of possession notice.;

2. The Receiver shall be empowered to remove all kind of obstructions including locks, doors, etc. if required, for taking possession of said property and in that eventuality, he shall prepare an inventory of items kept inside the property and hand over one list duly signed by witnesses and receiver to the borrower(s), if present at the site and another copy be submitted in the Court alongwith report. Broken locks shall be kept in a sealed cloth pullanda and deposited with applicant;

3. The entire proceedings of taking over possession of secured asset shall be **photographed and videographed;**

4. The Receiver would ensure that there is no stay order from any Court in respect of aforesaid property before executing this order;

5. The Receiver shall forward all the assets (movable as well as immovable property) to the applicant through its authorized representative after taking over possession of secured asset;

6. SHO concerned shall provide police aid to the Receiver for compliance of directions passed by this Court;

7. All miscellaneous expenses for complying with aforesaid directions would be borne by applicant ;

8. After concluding the entire proceedings, the Receiver would submit his report and coloured photographs alongwith CD / memory card of the videography in the Court as expeditiously as possible.

8. The fee of Receiver is fixed at **Rs.80,000/-** to be paid to the Receiver by applicant within two weeks from today.

9. The applicant would furnish all necessary details of aforesaid property and borrowers to the Receiver within 07 days of this order and would extend full co-operation for executing this order.

10. Finally, it is also emphasized that objection if any by whomsoever concerned shall not be entertained by this Court and should be made before the Debt Recovery Tribunal as this Court is only required to provide assistance to secured creditors (Financial Institutions) to obtain possession of secured assets in accordance with law and is not supposed to adjudicate upon any issue on merits.

11. If the recovery proceedings are stayed by the Order of the DRT or any other legal forum, and such order is subsequently vacated, or the applicant is granted liberty to recover the possession of the secured asset, mandate of the receiver to recover possession would stand extended. The applicant bank will not be required to approach this Court again for extension of time or any related directions. However, if the applicant decides not to recover the possession of the secured asset, it shall apply to the Court to terminate the mandate of the receiver, and it shall, in no way, shall directly instruct the receiver to refrain from or to delay the recovery of possession. If there is any considerable delay on the part of the applicant in compliance of the order, the same shall be explained by the applicant bank through an affidavit of the authorised officer.

12. Nothing stated hereinabove shall tantamount to a finding of liability or a judicial determination of the issues in contention between the

parties.

13. The Court receiver be informed through electronic mode. A copy of this order be given *dasti* to counsel for applicant. The copy be also sent to the Receiver.

14. Application stands disposed off accordingly.

15. File be consigned to record room.

PRONOUNCED IN THE OPEN COURT
ON THIS 10TH DAY OF FEBRUARY, 2025.

SHRIYA AGRAWAL

Digitally signed by SHRIYA AGRAWAL
Date: 2025.02.10 17:01:39 +0530

(SHRIYA AGRAWAL)
CHIEF JUDICIAL MAGISTRATE
SOUTH WEST: DWARKA COURT : NEW DELHI