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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 16376/2025 & CM APPL. 67125/2025 (Ex. from filing
the certified copies of annexures)

SHRI AVINASH RASTOGI & ORS.Petitioners

Through: Mr. Ananya Bhattacharya, Mr.
Prerna Jain and Ms. Rubeka
Daniel, Advocates.

versus

ASSET RECONSTRUCTION COMPANY INDIA LIMITED
.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER
10.11.2025

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1. The present Petition has been filed under Articles 226 read with Article 227 of the Constitution of India assailing the order dated 29.07.2025 [**“Impugned Order”**] passed by the Debts Recovery Appellate Tribunal, New Delhi [**“DRAT”**], in Regular Appeal No. 143/2025, titled **“Avinash Rastogi & Ors. v. Asset Reconstruction Company (India) Ltd.”**. By the Impugned Order, the learned DRAT dismissed the said Appeal.

2. Learned Counsel for the Petitioners, while relying upon the judgment of the Hon'ble Supreme Court in ***M/s. Sidha Neelkanth Paper Industries Pvt. Ltd. & Anr. v. Prudent ARC Ltd. & Ors.***, submits that while calculating the amount required to be pre-deposited under Section 18 of Securitization and Reconstruction of Financial



Assets and Enforcement of Security Interest Act, 2002, the borrower is entitled to request the Appellate Tribunal to adjust the amount already recovered from the sale of his property.

3. It is further submitted that the Petitioners do not challenge the correctness of the Court auction through which the Bank has already recovered a sum of Rs. 1,35,30,000/-.

4. Let Notice be to the Respondent *via* all permissible modes, returnable on 18.02.2026.

ANIL KSHETARPAL, J.

RENU BHATNAGAR, J.

NOVEMBER 10, 2025/tk/rou/pal