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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17392/2024, CM APPL. 74042/2024, CM APPL. 74043/2024**
& CM APPL. 5701/2025
VIKRAM BHATIA & ANR.Petitioner

Through: Mr. Shashi Kaushik with Mr.
Narender Kumar, Advocates

versus

UOI THROUGH MINISTRY OF HOUSING AND URBAN
AFFAIRS & ORS.Respondent

Through: Mr. Arman Roop Sharma, with Mr.
Shimpy Arman Sharma, Mr. M Aman
khan and Mr. M Arham, Advocates for
R-3.
Manu Beri with Mr. Prateek Kasliwal,
Advocates for R-6.
Mr. Rajesh Jha and Mr. Sanjeev
Srivastava, Advocates for R-7.
Ms. Nisha Sharma with Ms. Manisha
Singh, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **11.03.2025**

1. Learned counsel for respondent No.3 Bank submits that it has already filed Original Application (OA) which is pending adjudication before learned Debt Recovery Tribunal (DRT). Learned counsel for the petitioner also does not dispute the above said fact and submits that they have already filed their response in the above said case.
2. The grievance of the petitioner is that despite the fact that there is no handing over of possession of flat in question to the petitioner, Bank is still insisting upon payment of EMIs. He submits that as per the *Tripartite Agreement* and subvention scheme, EMIs are to be borne by the builder only. He, therefore, *inter alia* prays that bank be directed not to charge any EMI or

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pre-EMI and the bank should be rather directed to comply with the guidelines and circular issued by RBI in this regard.

3. Admittedly, earlier also, various similar type of writ petitions were filed before this Court and all such writ petitions were dismissed by Coordinate Bench for the reason that the petitioners had alternate remedies available to them. Such order was passed on 14.03.2023 in W.P.(C) No. 9491/2020 and connected matters.

4. Such order has been assailed and *Special Leave Petition* (SLP) is pending adjudication before the Hon'ble Supreme Court. The lead case is *Himanshu Singh and Ors vs Union of India and Ors. SLP Civil No. 7649/2023*.

5. It is also not in dispute that when the above said matter was taken up by Hon'ble Supreme Court on 17.04.2023, while issuing notice, the Hon'ble Supreme Court had also observed that since the petitioners had the benefit of interim protection, when the matter was pending before this Court, they would be entitled to the benefit of same interim protection, till next date of hearing.

6. It is apprised that the matter is now fixed for further consideration on 18th instant.

7. The order dated 04.03.2025 passed in the above said SLP Civil No. 7649/203 has also been shown which records various facets of the issue involved.

8. It is also noticed that based on the abovesaid order dated 17.04.2023, passed by Hon'ble Supreme Court in the above said SLP, this Court while entertaining several similar other writ petitions had directed that no coercive step be taken against the petitioner.



9. Some such writ petitions are listed today from Item No. 57 to 60 and from 60 to 78.
10. The Bank in question has already filed OA before learned Debt recovery Tribunal seeking permission to realize its dues by appropriate mode.
11. Learned counsel for the petitioner prays that no coercive step be taken against the petitioner till the pendency of the present writ petition and also prays for stay of proceedings pending before learned DRT.
12. This Court Does not find any justifiable reason to stay the proceedings pending before learned DRT. Moreover, even Hon'ble Supreme Court in abovesaid SLP had directed such proceedings to continue.
13. However, keeping in mind the overall facts of the case and the fact that issue is already pending adjudication before the Hon'ble Supreme Court, it will be appropriate if Respondent Bank is directed not to take any further coercive steps against the petitioner till next date of hearing.
14. Let counter affidavit be filed by all concerned.
15. Petitioner shall take steps to serve those respondents who are yet not served. Let service be effected through all permissible modes.
16. List on 07.07.2025.

MANOJ JAIN, J

MARCH 11, 2025/sw/pb