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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 1930/2025 & CM APPL. 80357/2025 (stay)**

TUSHAR DEV

.....Petitioner

Through: Mr. Rajshekhar Rao, Sr. Advocate
with Mr. Saurabh Seth, Mr. Abhiroop
Rathore, Mr. Kabir Dev, Mr. Sukhvir
Singh and Mr. Wamic Wasim,
Advocates.

versus

SUNIL KATYAL & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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19.12.2025

1. This hearing has been done through hybrid mode.

CMAPPL.80358/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of.

CONT.CAS(C) 1930/2025 & CM APPL. 80357/2025 (stay)

3. The present petition under Article 215 of the Constitution of India, 1950, read with Sections 11, 12 and 2(b) of the Contempt of Courts Act, 1971 seeks the following prayers: -

- a) Initiate civil contempt proceedings against Respondent No. 1 and Respondent No. 2 for their wilful, deliberate, and contumacious violation of the Order dated 18.09.2024 passed by the Ld. Debt Recovery Tribunal-II, Delhi in TSA No. 121 of 2022;
- b) Hold the Respondents guilty of civil contempt and punish them with the maximum penalty, including imprisonment and fine, as provided under the Contempt of Courts Act, 1971, for their



wilful disobedience of the aforesaid judicial order.

- c) Issue directions to Respondent No. 1 to forthwith vacate the property situated at L-1/13, Hauz Khas Enclave, First Floor, New Delhi-110016 in strict compliance with the Order dated 18.09.2024 passed by the Ld. DRT;
- d) Pass an order directing the Respondents to pay substantial compensatory damages to the Petitioner, to be assessed and determined by this Hon'ble Court, for the loss of personal property including the value of the furniture, household items, and articles unlawfully removed and disposed of by Respondent No. 2; the financial loss, lost income, and business opportunity costs arising from the Petitioner's inability to access and utilize the property; and the mental anguish, distress, and psychological harm caused to the Petitioner by reason of the unlawful dispossession;
- e) Pass such further or other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, including any consequential or ancillary directions to Respondent No. 1 and 2."

4. *Vide* order dated 18.09.2024 in TSA No.121 of 2022, the learned Presiding Officer, DRT-II, Delhi, had passed the following order: -

"TSA no. 121/2022 stands partially allowed. The sale conducted on 23.10 .2019 in pursuance of the sale notice 20.09.2019 is set aside . All action taken by the respondent FI in pursuance of the sale including issuance of the sale certificate is hereby set aside. The respondent A is permitted to conduct fresh auction in accordance with SARFAESI Act/Rules. The respondent FI is directed to refund the consideration paid by the auction purchaser in pursuance of the sale along with interest at the rate of prevailing MCLR within a period of 30 days to the auction purchaser.

File be consigned to record."

5. Learned Senior Counsel for the petitioner submits that he is not pressing prayer "a" in **CM APPL. 80357/2025** with respect to handing over of peaceful and vacant possession to the petitioner.

6. Learned Senior Counsel for the petitioner submits that the respondent no. 1-Sunil Katyal in the present petition was a party in the aforesaid



proceedings before learned DRT-II and was impleaded as respondent no. 3. It is pointed out that despite the aforesaid direction, he continues to be in unauthorised occupation of the subject property.

7. On the petitioner taking necessary steps, issue notice to the respondent no. 1 through all permissible modes, including electronic mail, if any, returnable on 09.02.2026. The said notice shall indicate that the respondent shall file a compliance affidavit, failing which, he shall remain present before the Court on the next date of hearing.

AMIT SHARMA, J

DECEMBER 19, 2025/bsr