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

Date of decision: 18th NOVEMBER, 2026

IN THE MATTER OF:

\# **CNR No. DLHC010331622026**

\+ **W.P.(C) 10318/2026, CM APPL. 47802/2026**

AJAY AGGARWAL .....Petitioner

Through: Mr. Sanjay Vashishtha, Mr. Nishant Nain & Ms. Charu Sharma, Advs.

versus

BANK OF BARODA ERSTWHILE E VIJAYA BANK & ORS. .....Respondents

Through: Mr. Sameer Rohatgi, Mr. Shashank Khurana, Ms. Sonali Gaur, Mr. Chaitanya Sharma, Advs. for R-2.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
HON'BLE MS. JUSTICE RENU BHATNAGAR

JUDGMENT

1. The present petition has been filed under Articles 226 & 227 of the Constitution of India, praying for the issuance of an appropriate writ, order or direction for quashing and setting aside the Order dated 15.05.2026 ("Impugned Order") passed by the learned Debts Recovery Appellate Tribunal, New Delhi ("DRAT") and consequently quashing and setting aside the Auction dated 21.01.2025.

2. By way of the impugned order, the DRAT has dismissed the

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appeal filed by the Petitioner herein and upheld the Order dated 20.08.2025 passed by the Debts Recovery Tribunal-I, Delhi ("DRT-I"), *vide* which the application of the petitioner herein, seeking the stay of the effect and operation an order dated 26.03.2025 passed by the Recovery officer-01, DRT-I in TRC/170/2024, was dismissed.

3. Shorn of unnecessary details, the facts which emerge from the material on record are as under:

a. the Vijaya Bank, now Bank of Baroda, initiated a proceedings under the SARFAESI Act for execution of the decree obtained by it in O.A. 79/1998, titled 'Vijaya Bank v. Rockland Leasing Limited and Ors' filed before the DRT. A recovery certificate dated 24.11.2000 was drawn in O.A. No. 79/1998 for the recovery of a sum of Rs. 1,74,09,016.54/-.

b. The property mentioned as **" *'BALTOD' at Plot no. 115, admeasuring 17.36.50 hectares in the Plan No. 15.286 of the Old Survey Plan, Village Melauli and in New Survey No. 90/2* "** (hereinafter referred to as "the property") was put up for auction *vide* a sale proclamation notice dated 12.12.2024, along with other properties, the details of which are not relevant for adjudication of the present Petition.

c. The petitioner herein, claiming to be an intending purchaser, filed three separate objections dated 23.12.2024, 16.01.2025 and 20.01.2025 to the said sale

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Signing Date:18.11.2026 19:37:56

proclamation notice before the learned Recovery Officer.

d. In the objection dated 23.12.2024, it was stated by the petitioner that M/s Goa Agri Commerz Limited had sold almost 20,000 sq. metrs. of the land out of the total area admeasuring 17.36.50 hectares in the Survey No. 90/2 of the property, leaving approximately 15.3 hectares the subject property for sale.

e. In second objection dated 16.01.2025, the petitioner states that there are eight co-owners in the Survey No. 90/2 details of which read as under :

> *"3. That at the outset it is submitted that the sale proclamation qua the property was published on 12.12.2024 which bears material irregularities, the details of which are as follows:*
>
> *A. As per Form I and XIV, there are eight (8) other co-owners in the above-mentioned survey number. The details of the sale deeds of the said co-owners are extracted hereinbelow:*
> *1. Sandhya area sold 4197 Sq. Mts. Vide Sale Deed registered in the office of Sub-Registrar of Sattari under Reg. No. 138 at Pages 83 to 95 of Book No. 1. Vol. 56 dated 18.05.2000.*
> *2. Sandhya, area sold 4092 Sq. Mts. Vide Sale Deed registered in the office of Sub-Registrar of Sattari under Reg. No. 139 at Pages 96 to 106 of Book No. 1, Vol. 56 dated 18.05.2000.*
> *3. Vipin Bihari Gupta, area sold 4005 Sq. Mts. Vide Sale Deed registered in the office of Sub-Registrar of Sattari under Reg. No. 137 at Pages 58 to 70 of Book No. 1, Vol. 56 dated 12.05.2000.*
> *4. Inderveer Sood, area sold not known, Vide Sale Deed registered in the office of Sub-Registrar of Sattari under Reg. No. 135 at Pages 47 to 57 of Book No. 1, Vol. 56 dated 12.05.2000.*

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5. NK Malhotra, area sold 4010 Sq. Mts. Vide Sale Deed registered in the office of Sub-Registrar of Sattari under Reg. No. 136 at Pages 71 to 82 of Book No. 1, Vol. 56 dated 12.05.2000.

6. Goa Aggri Commerz Ltd. Vide Sale Deed registered in the office of Sub-Registrar of Sattari under Reg. No. 208 at Pages 67 of Book No. 1, Vol. 21 dated 29.10.1993."

f. The third objection was filed contending that, since the objections raised in the first two applications had not been considered, the petitioner was pursuing another application.

g. Thereafter, the e-auction was conducted on 21.01.2025.

h. It is the case of the petitioner that the auction was conducted without first deciding the applications filed by the petitioner, as after the auction was conducted, *vide* Order dated 26.03.2025, all three objections filed by the petitioner were rejected.

i. The matter was thereafter taken up before the DRT-I in the appeal filed vide NCN/575/2025. In the appeal, the petitioner stated that, in order to take part in the auction, the petitioner conducted thorough research/enquiry and had come across several material irregularities after conducting a site inspection and gathering information available in the public domain in respect of the subject property. It was the case of the petitioner that, on account of these material irregularities in the sale proclamation, the sale stood vitiated. It was further contended that the

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Signing Date:18.11.2026 19:37:56

sale was conducted without deciding the objections raised by the petitioner.

j. The DRT-I, *vide* Order dated 20.08.2025, held that the petitioner could not maintain the appeal under Section 30 of the Recovery of Debts and Bankruptcy Act, 1993 ("RDB Act"), as the petitioner was not an aggrieved person. The DRT-I further held that a third party could challenge the auction proceedings, but such person must be a '*person aggrieved*' under Section 30 of the RDB Act. It further held that a mere busybody or speculative challenger, i.e., someone who did not even attempt to bid in the auction but merely raised objections without any legal right in the property, could not maintain a challenge to an auction notice.

k. The DRT-I was also of the opinion that the petitioner herein is neither a borrower nor a mortgagor/tenant/owner and, in-fact, had not even participated in the auction proceedings. Therefore, the petitioner could not be considered an aggrieved person under Section 30 of the RDB Act.

l. The DRT-I also expressed doubt that the petitioner might be conducting a proxy litigation on behalf of the borrower, who had defaulted in repayment of the dues owed to the bank.

m. The said order passed by the DRT-I was challenged in an

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appeal before the learned DRAT, which also arrived at the conclusion that the petitioner not being a '*person aggrieved*' under Section 30 of the RDB Act, could not have maintained the appeal, as the petitioner did not have any right, title or interest over the property and had not even participated in the auction, but was only an intending purchaser.

n. It is this order which is under challenge before this Court.

4. Section 30 of the RDB Act which falls for consideration is given as under:

> ***30. [*** *Appeal* ***against the order of Recovery Officer. [Substituted by Act 1 of 2000, Section 12, for Section 30 (w.r.e.f. 17.1.2000).]***
> *(1)Notwithstanding anything contained in section 29, any person aggrieved by an order of the Recovery Officer made under this Act may, within thirty days from the date on which a copy of the order is issued to him, prefer an appeal to the Tribunal.*
> *(2) On receipt of an appeal under sub-section (1), the Tribunal may, after giving an opportunity to the appellant to be heard, and after making such enquiry as it deems fit, confirm, modify or set aside the order made by the Recovery Officer in exercise of his powers under sections 25 to 28 (both inclusive).]*

5. Learned counsel appearing for the petitioner placed reliance on the definition of '*Aggrieved Person*' by referring to Mitra's Legal and Commercial Dictionary Sixth Edition, wherein an 'Aggrieved Person' is defined as under:

> *"**Aggrieved person**. A man who has suffered a legal grievance a man against whom a decision has been pronounced, which has wrongfully deprived him of*

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Signing Date:18.11.2026 19:37:56

something or wrongfully refused him something or wrongfully affected his title. [Re Sidebotham (1880)24 Ch D 458].

The expression 'aggrieved person' means a person who has got a legal grievance, i.e. a person is wrongfully deprived of anything to which he is legally entitled and not merely a person who suffered some sort of disappointment. [Gopal Prasad Chourasid Prasanna Kumar Shrivastava 1999 Jab LJ 478, 487 (MP) (DB)].

A person can be said to be aggrieved, if apart from the general interest of such a person as a member of the public may have, he has particular or special interest in the subject-matter supposed to be wrongly decided. [Thiruvengadam v Muthu Chettiar AIR 1970 Mad 34, 37).

The expression does not mean a person who suffers from psychological or imaginary injury. A person aggrieved must necessarily be one whose right or interests are affected, or jeopardised. [Gram Sabha v Ram Raj Singh 1968 AWR (HC) 844].

The expression "aggrieved person" denotes an elastic, and to an extent, an elusive concept. It cannot be confined within the bounds of a rigid, exact and comprehensive definition. At best, its features can be described in a broad tentative manner. Its scope and meaning depends on diverse, variable factors such as the content and intent of the statute of which contravention is alleged, the specific circumstances of the case, the nature and extent of the petitioner's interest, and the nature of the prejudice or injury suffered by him. English courts have sometimes put a restricted and sometimes a wide construction on the expression "aggrieved person". [Jasbhai Motibhai Desai v Roshan Kumar, Haji Bashir Ahmed AIR 1976 SC 578: (1976)3 SCR 58: (1976)1 SCC671]..”

6. He further contends that had the correct property been described in the auction notice, he would certainly have participated in the auction. However, since the sale proclamation notice was not accurate, he did not participate in the said auction and, therefore, would come under the definition of an ‘*aggrieved person’*. He states that the purport of any auction is to attract the maximum number of bidders

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and enhance competition so as to secure the highest possible bid and fetch the maximum amount for the property.

7. Reliance is also placed by the petitioner on the judgment passed by the Apex Court in Union of India v. Delhi High Court Bar Association, **(2002) 4 SCC 275,** and more particularly on paragraph No. 4 thereof to contend that provisions of the RDB Act were challenged and, therefore, the bar contained in the RDB Act does not oust the constitutional jurisdiction of this Court to examine the legality of the proceedings conducted under the said legislation.

8. Per contra, learned counsel for the respondent contends that the petitioner is only a busybody and has been setup by the owners of the property to scuttle the auction. He has not even chosen to participate in the auction and has not even deposited the Earnest Money Deposit (EMD) to show his *bona fides*.

9. He further states if such persons are permitted to challenge an auction, then every busy body would come for ulterior motives to delay auction proceedings by raising objections before the DRT.

10. Heard the learned Counsel for the parties and perused the material on record.

11. This Court is of the considered opinion that the petitioner has no right, title or interest over the property. He is not the borrower. He does not claim to be the owner. He does not claim to be a tenant nor has he participated in the loan transaction. Mere intention to participate in the auction cannot give locus to the Petitioner to challenge the auction. The Petitioner has no stakes at all in the

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Signing Date:18.11.2026 19:37:56

property.

12. If the definition of the terms of the '*person aggrieved*' is expanded in the manner interpreted by the petitioner then every auction notice would be subject to a challenge by a person who claiming to be an intending purchaser, who could raise objections merely to delay the auction. This would be contrary to the scheme of the RDB Act.

13. In fact, the interpretation relied upon by the petitioner goes against his own case. The said definition does not mean that a person who suffers from an imaginary injury or whose interests are neither affected nor jeopardised can be said to be a person aggrieved.

14. Reliance is placed on the judgment of Apex Court in Bar Council of Maharashtra v. M. V. Dabholkar and Ors, **1975 SCC 702**, more particularly paragraph nos. 27 and 28 thereof, however, the said judgment relied on by the counsel for the petitioner cannot aid the Petitioner's case.

15. The Apex Court, in that case, was considering the issue of whether the Bar Council of Maharashtra could act upon a complaint received from the High Court and refer the same to its disciplinary committee. The disciplinary committee of the Bar Council of Maharashtra found the respondent therein guilty of conduct prejudicial to the reputation of the Bar.

16. The respondents before the Apex Court preferred an appeal before the Bar Council of India, impleading the Bar Council of Maharashtra. The Bar Council of Maharashtra did not appear, and

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certain observations made by the Bar Council of India regarding the conduct of the Bar Council of Maharashtra led to the proceedings before the Apex Court. It was in that context that the observations in paragraphs 28 and 29 were made.

17. The test for understanding whether a person is an '*aggrieved person*' would undertake the examination as to whether the interests of that person have been prejudicially affected. If no interest of a person has been prejudicially affected, then such a person cannot be said to come within the definition of an '*aggrieved person*'.

18. The petitioner, who has nothing to do at all with the transaction and who has even not participated in the auction, cannot claim to be an '*aggrieved person*' because none of his interests have been prejudicially affected. Only an imaginary right that, had he participated in the auction, he might have got a higher price, cannot be a ground to set aside an auction.

19. Moreover, the fact that the petitioner has not filed any other petitions is, by itself, no indicator at all as to the petitioner was not setup by someone else. The petitioner has been trying to delay the auction and prevent the sale from being conducted in auction purchaser who has already spent valuable consideration of money.

20. This Court is also informed that there were four other bidders in the auction and that attempts had been made to stall the auction, inasmuch as one of the persons approached the Court alleging that there was a technical glitch in the system. That person gave a much higher offer but did not turn-up to fulfill his commitments.

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21. The conduct of the petitioner is not appreciated by this Court. He has abused the process of law.

22. In view of the above, the present Petition is dismissed with costs of Rs. 1,00,000/-, to be paid in the following manner: Rs. 50,000/- to the Army Welfare War Widows Fund and Rs. 50,000/- to the Delhi High Court Bar Association within a period of three weeks from the date of upload of this Order.

23. Pending applications, if any, shall also stand dismissed.

SUBRAMONIUM PRASAD, J

RENU BHATNAGAR, J

NOVEMBER 18, 2026
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