

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6576 of 2023

Applicant :- Mohan Lal Agnihotri

Opposite Party :- Rajnish Vasudev And Another

Counsel for Applicant :- Anirudha Pandey, Dharendra Narain Awasthi

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 24.09.2013 while disposing of Writ-C No.52235 of 2013 had passed the following order:-

"Heard learned counsel for the petitioner, Sri T. Varma, learned counsel appearing for the Bank and learned standing counsel for State-respondent.

By this writ petition, the petitioner has prayed for quashing the notice dated 13.09.2013 issued by the Bank for taking possession of the mortgaged assets in exercise of power conferred under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Petitioner had taken a loan of Rs. 15 lacs from the respondent Bank in the year 2011. On default being committed with regard to the payment of the installments, the Bank has issued notice dated 09.07.2013 under Section 13(2) of the Act, 2002 demanding an amount of Rs. 15,93,636 plus interest. Petitioner failed to deposit the aforesaid amount within 60 days. Hence, the Bank has invoked power conferred under Section 13(4) of the Act, 2002 and has issued possession notice dated 13.09.2013.

Learned counsel for the petitioner submits that petitioner himself wants to clear all the entire outstanding dues with the Bank provided he is given liberty to bring suitable buyers of the house which is mortgaged.

The Bank having proceeded under the SRAESI Act, 2002 and issued possession notice, it is for the Bank to consider any offer submitted on behalf of the petitioner for sale of the mortgaged assets.

Learned counsel for the petitioner submits that petitioner may be given some reasonable time to bring appropriate buyers before the Bank.

In view of the aforesaid facts, we are of the view that it shall be open for the petitioner to get appropriate offers submitted to the Bank by the prospective buyers of the house till 31st October, 2013. It shall be open for the Bank to consider as to whether the offers submitted through the petitioner are acceptable or not. We further clarify that if the petitioner does not bring any suitable buyer by 31.10.2013, it shall be open for the Bank to sell the mortgaged assets.

With the aforesaid directions, the writ petition is disposed of.

No order as to costs."

A time extension application was moved by the applicant and vide order dated 17.01.2014, the time was extended up to 28.02.2014 and application was disposed of by the said order.

As the time limit prescribed by the Court was till 28.02.2014 and the applicant had not complied the order passed by the writ Court, no case for contempt is made out.

Contempt application is misconceived and the same stands dismissed.

Order Date :- 12.10.2023

SK Goswami