

Court No. - 3

Case :- WRIT - C No. - 34139 of 2023

Petitioner :- Sushma Devi

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ravish Chandra Srivastava, Vijay Kumar Ojha

Counsel for Respondent :- CSC, Akhilesh Kumar Dwivedi

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

1. Heard Sri Vijay Kumar Ojha, learned counsel for the petitioner and Sri Habib Ahmad, learned counsel appearing for the respondent no. 5.

2. This writ petition has been filed against the order dated 29.11.2022 and the consequential order dated 17.08.2023 passed by the respondent no. 2 Additional District Magistrate, Varanasi under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (herein after referred to as the "SARFAESI Act").

3. Learned counsel appearing for the Bank has informed that the auction had taken place on 29.04.2022. Learned counsel for the Bank prays that as per the judgment of Supreme Court in **Celir LLP vs. Bafna Motor (Mumbai) Pvt. Ltd. & Ors. (Civil Appeal Nos. 5542-5543 of 2023 decided on 21.09.2023)** no interference be made by this Court.

4. We find substance in the submission made by the learned counsel for the Bank.

5. In view of the judgment of Supreme Court in **Bafna Motor (Supra)**, no interference is warranted.

6. However, it shall always be open for the petitioner to avail such remedy as might be available under the SARFAESI Act.

7. The writ petition is accordingly, **dismissed**.

Order Date :- 6.11.2023

M.S. Ansari

(Manoj Bajaj, J.) (Siddhartha Varma, J.)