

Court No. - 6

Case :- WRIT - C No. - 33309 of 2023

Petitioner :- M/S Saifi Cold Storage And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Meraj Ahmad Khan,Akhilesh Misra

Counsel for Respondent :- C.S.C.,Krishna Mohan Asthana

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Sri Akhilesh Misra, learned counsel for the petitioner, learned Standing Counsel for the State-respondent and Sri K.M. Asthana, learned counsel for respondent-bank.

This writ petition has been filed with a prayer to quash the order dated 14.09.2022 passed by Prescribed Authority Dehradun under section 19(1) of the Recovery of Debt and Bankruptcy Act, 1993 against the petitioner for recovery of Rs. 2,37,45,248.27 along with pendente lite and future interest @ 9.55% per annum of simple rate of interest as well as consequential order dated 20.07.2023 by which the warrant of attachment of immovable property and further prayed to direct the respondent Bank to take OTS Scheme offer accepted by the Bank to its logically.

Learned counsel for the petitioner submits that he is ready and willing to deposit the entire loan amount as due, therefore, a direction may be issued to respondent authorities not to proceed against the petitioner.

Learned counsel for the respondent-Bank submits that till date no auction proceedings for recovery have been initiated, therefore, the petitioner may move an application before the respondent-Bank as well as respondent no. 2 For redressal of his grievance and the respondent-Bank may consider the request of the petitioner in accordance with law.

No useful purpose would be served by keeping this petition pending in view of the order, which the Court proposes to pass hereunder.

With the consent of parties, without entering into merits of the case, this writ petition is finally disposed of with a direction to the petitioner to make a fresh application before respondent-bank

within two weeks from today along with a certified copy of this order and, if any such representation/application is made, the same shall be decided, in accordance with law, preferably within a period of one month from the date of production of a certified copy of this order, if there is no other legal impediment.

Needless to say that in case the petitioner does not move such application, it is open to the authority concerned to proceed in accordance with law.

Order Date :- 18.10.2023

Arti