

**Court No. - 40**

**Case :-** WRIT - C No. - 34955 of 2023

**Petitioner :-** Mm/S Priyanshi Traders

**Respondent :-** Bank Of Baroda Regional Officer And Another

**Counsel for Petitioner :-** Raj Kumar Tiwari, Lok Nath Shukla

**Counsel for Respondent :-** Anadi Krishna Narayana

**Hon'ble Mahesh Chandra Tripathi, J.**

**Hon'ble Ram Manohar Narayan Mishra, J.**

1. Heard learned counsel for the petitioner and Shri Sandeep Kumar Singh, learned counsel for respondent-Bank of Baroda.

2. Present writ petition has been preferred for following reliefs:-

*"(i) to issue a writ, order or direction in the nature of mandamus commanding the respondent no.1 to make the CC Account No.19640500012474 of the petitioner out of NPA and make it operational so that she may operate the said account and run her business smoothly, within the period to be stipulated by this Hon'ble Court;*

*(ii) to issue a writ, order or direction in the nature of mandamus commanding the respondent no.1 to consider and pass appropriate order on the representation dated 11.8.2023 (Annexure No.3 to the writ petition) within the period to be stipulated by this Hon'ble Court."*

3. On the matter being taken up today, learned counsel for the respondent-bank has raised an objection that the first relief, as has been prayed for, has rendered infructuous as the bank has already initiated proceeding under the "Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002" (in short "SARFAESI Act"). He submits that under the SARFAESI Act full fledged mechanism is provided and in case the petitioner is aggrieved, the remedial forums are also available under the SARFAESI Act.

4. Considering the facts and circumstances as well as categorical objection raised by learned counsel for the respondents, we are not inclined to entertain the writ petition. Needless to say, the petitioner is at liberty to press his claim before the appropriate authority/ court under the SARFAESI Act.

5. The writ petition stands **disposed of** accordingly.

**Order Date :-** 8.12.2023

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