

Court No. - 3

Case :- WRIT - C No. - 35483 of 2023

Petitioner :- M/S Fiza Enterprises

Respondent :- Regional Manager Bank Of Baroda And 2 Others

Counsel for Petitioner :- Rajesh Kumar Maddheshiya

Counsel for Respondent :- C.S.C, Anadi Krishna Narayana

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

Heard learned counsel for the petitioner, Sri Sandeep Kumar Singh learned Additional Chief Standing Counsel and the learned counsel for the Bank.

From the record, it appears that when the mortgaged property was being sold in auction sale, the petitioner had filed a Securitization Application No. 249 of 2022 before the Debt Recovery Tribunal, Dehradun in which on 14.12.2022 the petitioner was given an opportunity to pay off the loan in instalments.

When the order dated 14.12.2022 of the Debt Recovery Tribunal passed in Securitization Application No. 249 of 2022 was not complied with, the Debt Recovery Tribunal on 27.2.2023 dismissed the Securitization Application No. 249 of 2022.

This writ petition has now been filed with a prayer that the petitioner be not dispossessed from the mortgaged property and that the petitioner be allowed to deposit the outstanding amount in some easy instalments.

Learned counsel for the Bank, however, in opposition stated that the petitioner has once approached the Debt Recovery Tribunal and had not complied with its order and, therefore, no indulgence

be granted to the petitioner.

Having heard the learned counsel for the parties, this Court is of the view that the petitioner had defaulted on an earlier occasion and, therefore, no indulgence can be granted to the petitioner.

If the petitioner, however, is aggrieved by any of the actions of the Bank then he can approach the Debt Recovery Tribunal under the relevant laws.

With these observations, the writ petition is disposed of.

Order Date :- 13.10.2023

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