

Court No. - 3

Case :- WRIT - C No. - 37871 of 2023

Petitioner :- M/S Apna Bhojnalaya Under And Another

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Sushil Kumar Shukla

Counsel for Respondent :- C.S.C., Ramesh Kumar Shukla

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

This writ petition has been filed with a prayer that the petitioners be allowed to pay the amount which is due from the petitioners to the Bank in easy installments.

A perusal of the notice dated 25.9.2023 shows that the auction proceedings have been initiated.

Learned counsel for the Bank Sri Ramesh Kumar Shukla states that as per the **Celir LLP vs. Bafna Motor (Mumbai) Pvt. Ltd. & Ors. (Civil Appeal Nos. 5542 -5543 of 2023 decided on 21.9.2023)** when the auction proceedings had been initiated, the petitioners loses to redeem the property.

Learned counsel for the petitioners has, however, stated that the auction which was to be held on 31.10.2023 had failed on account of there being no bidder and no notice yet for any fresh auction had been issued.

The learned counsel for the Bank states that if the petitioners approach the Bank with regard to the payment of the loan amount then the matter could be negotiated.

Under such circumstances, we are refraining from interfering. However, it shall be open for the parties to negotiate the matter with regard to the payment of loan which was due to the Bank. As and when the petitioners approach the Bank, the latter shall deal with the matter sympathetically.

With these observations, the writ petition is dismissed.

Order Date :- 2.11.2023

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