

Court No. - 6

Case :- WRIT - C No. - 38757 of 2023

Petitioner :- Mukesh Kumar Saraswat

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Virendra Kumar Kori, Abhishek Kapariya

Counsel for Respondent :- C.S.C., Yashwant Singh

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondent.

This writ petition has been filed inter alia for the following relief:-

"A) Issue an appropriate writ order or direction in the nature of mandamus directing the learned Dept Recovery Tribunal Lucknow to decide the Securitisation Application No. 49 of 2021 (Mukesh Kumar Saraswat Vs. The Authorized Officer UCO Bank) expeditiously within stipulated period.

B)"

It has been stated by the learned counsel for the petitioner that the petitioner had availed cash credit facility of Rs. 25 Lacs from the respondent no. 2. He has deposited substantial amount and always ready and willing to deposit the legitimate dues of the respondent no. 2 however proceedings have been initiated for attachment. The petitioner filed Securitisation Application before DRT, Lucknow since 20.01.2021, which is still pending, a direction may be issued to decide the same within stipulated period.

The counsel for respondent no. 2 submits that the property in question has already been auctioned in favour of one Rakesh Kumar however, he has no objection in case direction is issued to expedite the same.

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

Without entering into the controversy involved in the writ petition, the writ petition is disposed of with a direction to

decide the aforesaid application, in accordance with law by a speaking and reasoned order, expeditiously, preferably within a period of four months from the date of producing a certified copy of this order before the concerned authority, if there is no other legal impediment.

It is made clear that this Court has not examined the merits of the claim of the petitioner and the authority concerned shall apply its own mind strictly in accordance with law.

Order Date :- 8.11.2023

Arti