

Court No. - 3

Case :- WRIT - C No. - 39345 of 2023

Petitioner :- Amit Kumar Gupta And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Santosh Kumar Srivastava, Vishal Mohan Gupta

Counsel for Respondent :- C.S.C., Jainendra Kumar Mishra

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

Heard learned counsel for petitioners, Sri Jainendra Kumar Mishra, learned counsel for respondent Bank and Sri Rahul Srivastava, learned Standing Counsel for the State respondents.

From the relief clause, it is apparent that an auction has taken place and Tehsildar was insisting for taking a vacant possession of the mortgaged property.

Learned counsel for the bank and learned Standing Counsel have submitted that as per the judgment of Hon'ble Apex Court in the case of ***CELIR LLP Vs. Bafna Motors (Mumbai) Pvt. Ltd. and others decided on 21.9.2023 in Civil Appeal Nos.5542-43 of 2023***, no interference be made by this Court in the instant writ petition.

We find substance in the submission made by learned counsel for the respondent bank and learned Standing Counsel. In view of the fact that auction has already taken place, no interference is warranted as per the law laid down in the case of ***CELIR LLP Vs. Bafna Motors (Mumbai) Pvt. Ltd. and others (Supra)***.

The writ petition is accordingly, dismissed.

If the petitioners are aggrieved by the action taken under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, then if they are so advised, they may avail such remedy as might be available under the Act.

Order Date :- 9.11.2023

P.S.Parihar