

Court No. - 3

Case :- WRIT - C No. - 39116 of 2023

Petitioner :- Arvind Kumar Verma

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

Counsel for Petitioner :- Hawaldar Ram

Counsel for Respondent :- C.S.C.,Habib Ahmad

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

Heard learned counsel for the petitioner, Sri Habib Ahmad, learned counsel for the respondent-Bank and learned Standing Counsel for the State-respondents.

For a sum of Rs. 6,82,522/-, which had become due against the petitioner's loan account, a notice was given to the petitioner under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (for short 'the SARFAESI Act'). Nowhere from the writ petition we can find that any reply to the said notice was sent. Now when notice under Section 13 (8) read with Rule-8 of the SARFEASI Rules, has been issued, the instant writ petition has been filed.

Learned counsel for the petitioner states that the petitioner was ready to deposit the said amount in installments. However, learned counsel for the Bank has stated that as per the law laid down in the case of **Celir LLP vs. Bafna Motor (Mumbai) Pvt. Ltd. & Ors. (Civil Appeal Nos. 5542 -5543 of 2023 decided on 21.9.2023)**, no interference be made by this Court as the petitioner has lost the right to redeem the mortgage.

We find substance in the argument of learned counsel for the Bank. As now the auction is fixed for 22.11.2023, the writ petition as per the law laid down in the case of **Celir LLP vs. Bafna Motor (Mumbai) Pvt. Ltd. & Ors. (Supra)**, cannot be entertained. It is, accordingly, dismissed.

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

Order Date :- 9.11.2023/Shiraz