

Court No. - 3

Case :- WRIT - C No. - 40523 of 2023

Petitioner :- Anil Kumar Sharma And Another

Respondent :- Bank Of India And 3 Others

Counsel for Petitioner :- Nikhil Kumar, Prashant Kanha

Counsel for Respondent :- Vatsala

Hon'ble Siddhartha Varma, J.

Hon'ble Shekhar B. Saraf, J.

1. This writ petition has been filed against the sale notice dated, by which the auction was fixed for 25.9.2023.
2. It is the contention of the learned counsel for the petitioner that no auction took place on that date as no bidder appeared. Learned counsel for the petitioner states that the petitioner has neither mortgaged the property nor had ever taken any loan.
3. Ms. Vatsala, learned counsel for the Bank states that when the petitioner purchased the property on 22.7.2019, it was already mortgaged. She further states that as per the judgment of the Supreme Court in **Celir LLP vs. Bafna Motor (Mumbai) Pvt. Ltd. & Ors.** (Civil Appeal Nos.5542-5543 of 2023 decided on 21.9.2023), no interference can be made by this Court.
4. Having heard learned counsel for the parties, we do find that there are disputed questions of fact involved in the case. If the petitioner is aggrieved by the auction etc., he may approach the Debts Recovery Tribunal for redressal of his grievance.
5. With these observations, the writ petition is disposed of.

Order Date :- 2.12.2023

Kuldeep

(Shekhar B. Saraf, J.)

(Siddhartha Varma, J.)