

Court No. - 3

Case :- WRIT - C No. - 41703 of 2023

Petitioner :- M/S Sri Ganesh Enterprises

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rajesh Kumar Pal

Counsel for Respondent :- C.S.C., Sanjay Kumar Srivastava

Hon'ble Siddhartha Varma, J.

Hon'ble Shekhar B. Saraf, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel and Sri Sanjay Kumar Srivastava, learned counsel for the Bank.
2. This writ petition has been filed after the auction of the mortgaged property had taken place on 27.10.2023 in favour of one Sri Mahesh Pal Singh.
3. Learned counsel for the Bank, Sri Sanjay Kumar Srivastava, relying upon the judgment of the Supreme Court in **Celir LLP vs. Bafna Motor (Mumbai) Pvt. Ltd. and others** (Civil Appeal Nos.5542-5543 of 2023 decided on 21.9.2023), states that in view of the law laid down in the aforesaid case, no interference can be made by this Court.
3. We find substance in the submission of learned counsel for the respondent-Bank.
4. In view of the judgment of the Supreme Court in **Bafna Motor (supra)**, no interference can be made.
5. The writ petition is, accordingly, dismissed. The petitioner, however, shall be at liberty to avail the appropriate remedy under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Order Date :- 11.12.2023

Rakesh

(Shekhar B. Saraf, J.) (Siddhartha Varma, J.)