

Court No. - 3

Case :- WRIT - C No. - 41426 of 2023

Petitioner :- Sarfaraj Ahmad

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

Counsel for Petitioner :- Santosh Kumar Tiwari

Counsel for Respondent :- C.S.C.,Sudha Pandey

Hon'ble Siddhartha Varma,J.

Hon'ble Shekhar B. Saraf,J.

1. In the present case the writ petitioner submits that the payment of 25% amount as per Rule 9(3) of the Security Interest (Enforcement) Rules, 2002 (hereinafter referred to as the "Rules") was made a day after the prescribed date. The petitioner prays that he be allowed to pay the balance amount as per Rule 9(4) of the Rules. He further submits that the letter of the Bank issued on November 7, 2023 cancelling the e-auction be quashed and set-aside.

2. Upon perusal of the documents and upon consideration of the materials and facts and circumstances, there are no consequences provided for the delay under Rule 9(3) of the Rules and, accordingly, this date may be extended.

3. Learned counsel appearing on behalf of the respondent-Bank has also submitted that the period may be extended and the balance amount may be paid within a short period.

4. In light of the submissions made on behalf of learned counsel for the parties, we quash the order dated November 7, 2023 with regard to the cancellation of the e-auction and further direct the e-auction purchaser to make payment of balance amount within a

period of ten days from today. In the event, such payment is made, the e-auction may be finalized in favour of the petitioner. Further, in default, the order passed by us shall stand vacated and no further time shall be granted.

5. With these observations, the writ petition stands allowed.

Order Date :- 1.12.2023

vkj

(Shekhar B. Saraf, J.)

(Siddhartha Varma, J.)