

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5154 of 2023

Petitioner :- Canara Bank U.P. Meerut Thru. Chief Manager/Constituted Attorney Of Canara Bank Mr. Pradeep Hebbal

Respondent :- Debt Recovery Tribunal, Near Hanuman Setu Mandir, Lucknow And 3 Others

Counsel for Petitioner :- Prashant Kumar Srivastava

Counsel for Respondent :- Apoorv Dev, Prashant Kumar Singh

Hon'ble Rajnish Kumar, J.

Heard Sri Prashant Kumar Srivastava, learned counsel for the petitioner and Sri Prashant Kumar Singh, learned counsel for the respondent no.2/Caveator.

Learned counsel for the respondent no.2 raised a preliminary objection that by means of the present petition, the petitioner has challenged the interim order dated 27.07.2022 passed in Securitisation Application No.443 of 2022(M/S R.S. Contractors and Engineers versus Canara Bank), which has been disposed of by means of the order dated 19.09.2023 referring to the order dated 27.07.2023 therefore this petition is not maintainable and the second prayer made in the petition is also totally misconceived for direction to decide the Securitisation application No.443 of 2022 because the case has already been disposed of.

At this stage, learned counsel for the petitioner submits that the petition may be dismissed as not pressed with liberty to file fresh challenging the order dated 19.09.2023.

Learned counsel for the respondent no.2 submits that this liberty may not be granted to the petitioner because the petitioner has an alternative and statutory remedy of challenging the order dated 19.09.2023 before the Debt Recovery Appellate Tribunal, which is being disputed by learned counsel for the petitioner. Learned counsel for the petitioner submits that in case the petitioner files a fresh petition, he will justify before the court that there is no alternative and statutory remedy of appeal against the order

dated 19.09.2023 in view of the provision made in the Act and the law laid down by the Hon'ble Supreme Court.

In view of above, the petition is **dismissed** as not pressed with liberty to the petitioner to file fresh petition. In case fresh petition is filed, the maintainability of the petition may be considered in the fresh petition in accordance with law.

Order Date :- 11.10.2023

Akanksha