

Court No. - 8

Case :- WRIT - C No. - 9217 of 2023

Petitioner :- Canara Bank, Meerut Thru. Chief Manager And Constituted Attorney Mr. Bobby Seth

Respondent :- Debt Recovery Tribunal, Lucknow And 3 Others

Counsel for Petitioner :- Prashant Kumar Srivastava

Counsel for Respondent :- Apoorv Dev, Prashant Kumar Singh

Hon'ble Pankaj Bhatia, J.

Heard learned counsel for the parties and perused the material brought on record.

The present writ petition has been filed by the petitioner challenging the order dated 27.07.2023 as well as the order dated 19.09.2023 passed by the Debts Recovery Tribunal (DRT) Lucknow, in a proceeding initiated and pending under Section 17 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). In terms of the said provision an appeal is provided to the Appellate Tribunal under Section 18 of the SARFAESI Act against any order made by the DRT under Section 17 of the SARFAESI Act. The said remedy is not confined to final order alone as the specific words "any order" is used in section 18 of the SARFAESI Act.

In view of there being an alternative remedy in favour of the petitioner, the present writ petition is ***dismissed*** with the liberty to the respondent to file an appeal under Section 18 of the SARFAESI Act, if so advised, in accordance with law.

Order Date :- 19.10.2023

Arun