

Court No. - 3

Case :- WRIT - C No. - 9959 of 2023

Petitioner :- M/S Ambey Hardware And Paints Thru. Prop. Ajeet Kumar And Another

Respondent :- Indian Bank Branch Dariyapur Sultanpur Thru. Auth. Officer

Counsel for Petitioner :- Satyendra Kumar, Ravindra Kumar Singh

Counsel for Respondent :- Alok Saxena

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard learned counsel for the petitioners and Sri Alok Saxena, learned counsel for the respondent-Bank.

The present writ petition has been preferred by the petitioners with the following reliefs:-

"(i) issue a writ, order or direction in the nature of certiorari to quash the Notice dated 19.10.2023 in respect of Notice of Intended Sale i.e Notice of intended sale under Rule 6(2) & 8(6) of the Security Interest (Enforcement Rules), 2002 under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 passed by the opposite party, as contained in Annexure no. 1.

(ii) Issue a writ, order or direction in the nature of Mandamus commanding and directing the opposite party to accept the loan amount/outstanding dues in respect of the Notice dated 19.10.2023 (Notice of Intended Sale i.e. Notice of intended sale under Rule 6(2) & 8(6) of the Security Interest (Enforcement Rules) 2002 under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002) issued by Opposite party in easy installments from the Petitioners after adjusting amounts which has been deposited by him, contained in Annexure no. 1."

Petitioners have a statutory remedy to approach the Debts Recovery Tribunal under Section 17 of the Act, 2002.

We, therefore decline to interfere in the matter.

Writ petition is consigned to record, with the aforesaid liberty.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 9.11.2023

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