

Court No. - 1

Case :- WRIT - C No. - 10373 of 2023

Petitioner :- M/S Shiv Agro Products Thru. Its Proprietor
Smt. Archana Singh And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue
Deptt. U.P. Govt. Civil Sectr. Lko. And Others

Counsel for Petitioner :- Madhu Kumar Dixit

Counsel for Respondent :- C.S.C., Vinay Shankar

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for the petitioners and Ms. Megha Pandey holding brief of Sri Vinay Shankar learned counsel for the respondent Bank.

2. Learned counsel for the respondent Bank has fairly conceded that the recovery proceedings under challenge could not be proceeded with particularly when the proceedings for execution of the decree in respect of the commercial loan are pending before the Debts Recovery Tribunal in Execution Case No. 1425 of 2018.

3. It is further submitted that the recovery certificate as assailed in the writ petition is not in the knowledge of the Bank and has rather come to be issued without any valid requisition or certificate issued by the Bank.

4. In these circumstances, setting aside of the impugned recovery notice remains undisputed by the Bank subject to the outcome of the execution proceedings pending before the DRT.

5. We accordingly set aside the impugned recovery notice and leave it open to the bank to pursue the execution proceeding as per the procedure prescribed under law.

6. The writ petition is accordingly allowed.

Order Date :- 29.11.2023

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