

Court No. - 3

Case :- WRIT - C No. - 11478 of 2023

Petitioner :- M/S Opulent , Thru. Its Proprietor Manish Nandan And 4 Others

Respondent :- D.M. Lko. And 3 Others

Counsel for Petitioner :- Umesh Chandra Srivastava,Vishnu Kumar Srivastava

Counsel for Respondent :- C.S.C.,Aasif Razzaque Khan,Ritesh Goel

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for petitioner, Sri Ritesh Goel, learned counsel for Hero Housing Finance Limited and the learned Standing Counsel for the State.

Present writ petition is filed by the petitioner with the prayer to issue a writ, order or direction in the nature of Certiorari, quashing the impugned order dated 26.04.2023 passed by opposite party no.2 contained in Annexure No.5 to the writ petition. It has further been prayed to direct the opposite parties not to proceed further to issue sale certificate of the mortgage house of the petitioners pursuant to the auction notice dated 30.11.2023 till the final disposal of pending Securitisation Application No.878 of 2022 before learned Debts Recovery Tribunal.

Learned counsel for petitioner submits that grievance of petitioner would be substantially met in case Securitisation Application No.878 of petitioner for the said purposes is

considered and decided in a time bound manner.

Learned Standing Counsel and learned counsel for Respondent No.4 have no objection to the same.

In view thereof, Respondent No.3- The Debts Recovery Tribunal, Lucknow is expected to consider and decide the aforesaid application in accordance with law by a reasoned and speaking order by the next date and thereafter expeditiously.

It is made clear that this court has not applied itself on the merits of the case and all questions are left open to be considered and decided by the competent authority in accordance with law.

With the aforesaid directions, present writ petition is ***disposed of***.

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[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 22.12.2023

S. Kumar