

GAHC010231152024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5761/2024

M/S MAHAGURU BIBHUTI NARAYAN AYURVEDIC CENTRE
REPRESENTED BY ITS SOLE PROPRIETOR
SRI DURLAV SARMA
AGED ABOUT 58 YEARS.
S/O LATE GOPINATH SARMA
R/O GANA PATH,
KHANAPARA, GUWAHATI, ASSAM, PIN-781022

VERSUS

THE STATE OF BANK OF INDIA AND 5 ORS
REPRESENTED BY THE CHIEF GENERAL MANAGER,
SARB BRANCH, 2ND FLOOR, SIGNATURE SQUARE, M.R.D. ROAD,
BAMUNIMAIDAM, GUWAHATI -781021 (IFSC CODE SBIN000221).

2:THE AUTHORIZED OFFICER AND CHIEF GENERAL MANAGER

SARB BRANCH
2ND FLOOR
SIGNATURE SQUARE
M.R.D. ROAD
BAMUNIMAIDAM
GUWAHATI-781021 (IFSC CODE SBIN000221)

3:THE DEPUTY GENERAL MANAGER

STATE BANK OF INDIA
DISPUR
GUWAHATI
ASSAM-781006
(IFSC CODE SBIN0003030)

4:THE ADDITIONAL DISTRICT MAGISTRATE

KAMRUP (M) DISTRICT
GUWAHATI ASSAM

5:SUB-DIVISIONAL MAGISTRATE

KAMRUP (M) DISTRICT
GUWAHATI ASSAM

6:THE CIRCLE OFFICER (A)

DISPUR REVENUE CIRCLE
DISPUR GUWAHATI
ASSAM

For the petitioner : Mr. P Deka, Advocate
For the respondents : Mr. K.K. Nandi, Advocate
For respondent Nos.1, 2, 3
Mr. N. Das, Govt. Advocate, Assam
For respondent Nos.4, 5, 6

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

13-11-2024

(Vijay Bishnoi, C.J.)

This writ petition is filed by the petitioner being aggrieved with the order dated 23.09.2024 passed by the DRT, Guwahati in S.A. No.78/2024.

During the pendency of S.A. No.78/2024, an application was moved on behalf of the petitioner before the DRT with the prayer to pass an *ad interim* stay order in its favour which may result in restraining the respondent authorities to take recourse of the procedure laid down under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI) Act, 2002. The DRT vide order dated 23.09.2024 has fixed the

matter on 01.10.2024 while granting opportunity to the petitioner to file reply to the written objection filed by the respondent bank against the petitioner's prayer for *ad interim* stay order.

Learned counsel for the petitioner submits that by passing the order dated 23.09.2024, the DRT has virtually rejected the petitioner's prayer for passing *ad interim* stay order.

Having heard the learned counsel for the petitioner and after going through the impugned order dated 23.09.024, we are of the view that the DRT has not rejected the prayer of the petitioner for passing *ad interim* stay order. Otherwise also, if the petitioner is aggrieved by the order dated 23.09.2024, he can very well approach the appellate tribunal by way of filing an appeal under Section 18 of the SARFAESI Act, 2002.

In view of the above, we do not find any merit in this writ petition and the same is, therefore, dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant