

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1433 of 2015

1. M/s Ujjawal Construction A Registered Partnership Firm, Through Its Partners - Mr. Shalens Mishra And Smt. Mithilesh Mishra; Municipal House No. 20/27, Indira Gandhi Ward, Ward No. 20, P. H. No. 106 (A), Narmada Para, Old Station Ward, Hotel Stakari Gali, Police Station - Fafadih, Civil And Revenue Distt. - Raipur (Chhattisgarh)
2. Mr. Shalens Mishra S/o Shri. Sheshmani Mishra Aged About 45 Years R/o Municipal House No. 20/27, Narmada Vihar Colony, Indira Gandhi Ward, Ward No. 20, P. H. No. 106 (A), Narmada Para, Old Station Ward, Hotel Stakari Gali, Police Station - Fafadih, Civil And Revenue Distt. - Raipur (Chhattisgarh).....**Partner**
3. Smt. Mithilesh Mishra W/o Shalens Mishra Aged About 43 Years R/o Municipal House No. 20/27, Narmada Vihar Colony, Indira Gandhi Ward, Ward No. 20, P. H. No. 106 (A), Narmada Para, Old Station Ward, Hotel Stakari Gali, Police Station - Fafadih, Civil And Revenue Distt. - Raipur (Chhattisgarh).....**Partner**
4. Mr. Dharmendra Kumar Mishra S/o Shri. Sheshmani Mishra Aged About 50 Years R/o Opp. Radha Krishna Mandir, Narmada Para, Gudhiyari Road, Police Station- Gudhiyari, Civil And Revenue Distt. Raipur (Chhattisgarh).....**Guaranter**

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through - Secretary, Revenue Department, Mahanadi Bhavan, New Raipur, Police Station - New Raipur, Tahsil- Raipur, Civil & Revenue District- Raipur (Chhattisgarh)
2. District Magistrate, Raipur, Police Station- Civil Lines, Tahsil- Raipur, civil & Revenue District- Raipur (Chhattisgarh)
3. Bank Of Baroda Through- Its Branch Manager, Vivekanand Nagar Branch, Branch Office At B-1, Shailendra Nagar, Police Station- Gudhiyari, Civil And Revenue Distt. Raipur (Chhattisgarh)

---- **Respondent**

For Petitioners	:	Shri V. A. Goverdhan, Advocate
For Respondent No.1 & 2	:	Shri Manish Nigam, Panel Lawyer
For Respondent No.3	:	Shri Ankit Singhal, Advocate

Order On Board

08/09/2015

This petition has been filed by the petitioner seeking indulgence of the Court in the matter of dispute relating to recovery of debt by respondent-bank.

2. Learned counsel for petitioner submits that as against demand of Rs.74.65 Lakhs, the petitioner had offered to settle by payment of Rs.55 Lakhs but the same was rejected by the bank and thereafter, proceedings under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 are on the anvil. He submits that Offer has already been made in the proceedings pending before the Debt Recovery Tribunal but the same has not been considered by the bank.

3. It is now submitted that the petitioners, in order to save their property from being auctioned/sold, are prepared to pay entire amount as demanded by the bank though they may be granted some time to pay the said amount.

4. Learned counsel for respondent-bank submits that the offer of payment of whole amount is being made for the first time before this Court. He submits that if the petitioners approach the respondent bank for payment of the whole amount along with prayer to grant them some more time, the bank shall consider it.

5. In view of above, this petition is finally disposed off. The petitioners shall approach the respondent-bank within a period of 15 days along with their offer, thereafter, the bank shall consider the same within a period of 15 days from the date of submission of offer and till the offer of the petitioners is considered, the respondent-bank may not take any coercive steps against the petitioners.

Sd/-
Manindra Mohan Shrivastava
Judge