

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.3449 of 2017

(Arising out of auction notice dated 12-11-2017 of respondent No.1)

Smt. Maya Channe, W/o Shri Anil Kumar Channe, aged about 45 years, R/o Behind Kali Mandir, Choprapara, Ambikapur, District Surguja (C.G.)

---- Petitioner

Versus

1. Branch Manager, Bank of India, Ambikapur Branch, House of Smt. Satyavati Goyal, M.G. Road, Ambikapur, District Surguja (C.G.)
 2. Authorized Officer and Chief Manager, Bank of India, Bilaspur Branch, Bilaspur (C.G.)
 3. Divisional Manager, Raipur Division, Bank of India, Raipur (C.G.)
- Respondents

For Petitioner:	Mr. Arvind Sinha, Advocate.
For Respondents:	Mr. Jitendra Pali, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/12/2017

1. This writ petition has been filed stating that the auction is fixed today and the Debts Recovery Tribunal (DRT) is not functional as the Presiding Officer is on leave, therefore, interim order be granted.
2. The petitioner has filed case before the DRT on which notices were issued on 7-12-2017, but no order sheet of the DRT has been filed as to what transpired on the date of hearing and what transpired on 7-12-2017. The Presiding Officer of the DRT is on leave only from 12-12-2017 to 15-12-2017 and the petitioner has failed to demonstrate that he made all efforts to get the matter heard before the DRT, as no order sheets have been filed.
3. In view of the above, it is directed that any auction held (if any) today

is subject to final outcome of the application / appeal filed under Section 17 (1) of the Securities and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 before the DRT.

4. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma