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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.6041 of 2009

Central Bank of India, Vivekanand Ashram, G.E. Road, City Tahsil & District Raipur, through its Chief Manager.

---- Petitioner

Versus

1. Smt. Usha Devi Agrawal, W/o Shri Lalit Mohan Agrawal, R/o Samta Colony, Raipur (CG).
2. M/s Vaishnavi Rice Industries, a partnership firm Having its office at Punjab Mill Gali, First Floor, Adhiswar Complex, Ramsagar Para, Raiputy City Tahsil and District Raipur, Mill at Dharampara, Mana Road, Raipur City, Tahsil and District Raipur (CG).
3. Shri Kishor Agrawal, Partner, M/s Vaishnavi Rice Industries Office at Punjab Mill Gali, First Floor, Adhishwar Complex, Ramsagar Para, Raipur, City Tahsil and District Raipur (CG).
4. Smt. Savita Agrawal, W/o Shri Arun Kumar Agrawal, Partner, M/s Vaishnavi Rice Industries Office at Punjab Mill Gali, First Floor, Adhishwar Complex, Ramsagar Para, Raipur, City Tahsil and District Raipur (CG).
5. Smt. Sneha Lata Agrawal, W/o Shri Kishor Agrawal, Nemichand Gali First Floor, Adhishwar Complex, Ramsagar Para, Raipur, City, Tahsil and District Raipur (CG).

---Respondents

For Petitioner : Mr. B.D. Guru, Advocate

For Respondent No.1 : Mr. Adhiraj Surana, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

07/11/2017

(1) This writ petition is directed against the order dated 07.09.2009 passed by Debts Recovery Appellate Tribunal, Allahabad in which the said Tribunal has directed the petitioner Bank that the money already deposited by the auction purchaser,

can be withdrawn by the Bank along with interest.

(2) Learned counsel appearing for the petitioner would submit that during the pendency of this writ petition, the sale certificate has been issued in favour of auction purchaser and auction purchaser released an amount of Rs.19,80,000/- on 25.09.2009, but interest amount has not been released in compliance of order dated 07.09.2009.

(3) Learned counsel appearing for respondent No.1 would oppose the submission made by learned counsel for the petitioner.

(4) I have heard learned counsel for the parties.

(5) Be that as it may, the petitioner is at liberty to recover the amount of interest as per the order passed by Debts Recovery Appellate Tribunal, Allahabad, as the respondent auction purchaser has not challenged the order passed by Debts Recovery Appellate Tribunal, therefore, he is required to comply the said order passed by DRAT.

(6) With the aforesaid observation, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge