

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.515 of 2017**

1. Vishal Iron And Steel Corporation Through : Proprietor Raj Kishor Mishra, 35/ C, Light Industrial Estate, Bhilai 490026 (Chhattisgarh), District Durg (Chhattisgarh).
2. Raj Kishor Mishra S/o Shri Devnath Mishra, Aged About 69 Years 35/2, Kadambri Nagar, Sikola, Durg (490026), District Durg (Chhattisgarh).

---- Petitioners

Versus

Bank of Baroda (Head Office Badoda) (A Govt. of India Undertaking)
Through Chief Manager cum Authorized Officer, Bhilai-Branch, Civic Center
Bhilai-490006, Distt-Durg (CG)

---- Respondent

For Petitioners	:	Mr.V.G. Tamaskar, Advocate
For Respondent	:	Mr.Ankit Shinghal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****27/7/2017**

1. The petitioners have filed this writ petition challenging possession notice under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter called as 'Act of 2002') as well as measure under Rule 8 (5) of the Security Interest (Enforcement) Rules, 2002.
2. Learned counsel for the petitioners would submit that possession notice issued under Section 13(4) of the Act of 2002 is bad and unsustainable in law.
3. Learned counsel for the respondent would submit that order under Section 14 of the Act of 2002 has not been challenged, physical possession has been taken on 4.3.2017, auction has been held on 22.3.2017 and sale certificate has been issued in favour of auction purchaser on 5.4.2017 and the petitioners are having efficacious

remedy to file an appeal under Section 17 of the Act of 2002.

4. I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
5. Since entire proceeding has been concluded and remedy under Section 17 of the Act of 2002 is available to the petitioners, the present writ petition is disposed off with liberty to avail the remedy available under Section 17 of the Act of 2002. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-