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HIGH COURT OF CHHATTISGARH, BILASPURWrit Appeal No. 329 of 2017(Arising out of judgment/order dated 11/08/2017 in W.P.(C) No.1423 of 2017 of the learned Single Judge of this Court)

1. Vishal Chopda S/o Late Shri S. N. Chopda, Aged About 49 Years, R/o House No. 8, Tagore Nagar, Tikrapara, Raipur District Raipur (Chhattisgarh)
2. Smt. Deepali Chopda, W/o Shri Vishal Chopda, Aged About 45 Years R/o House No. 8, Tagore Nagar, Tikrapara, Raipur District Raipur (Chhattisgarh)
3. M/s Chopda Trading Company, Through Its Proprietor Vishal Chopda, C/o Chopda Chasma Ghar, Ravi Bhawan, Opp. G. P. O. Jaistambh Chowk, Raipur District Raipur (Chhattisgarh)

* Smt. Pratibha Choda (since dead)

---- Appellants

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Revenue, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. The District Collector & District Magistrate, Raipur, District Raipur, Chhattisgarh
3. M/s Aditya Birla Finance Limited Company, Through Its Authorized Officer, Having Branch Office At 2nd Floor, UCO Bank Building, 5, Sansad Marg, New Delhi 110001

---- Respondents

For Petitioner	: Shri Sunil Otvani, Advocate
For State	: Shri UNS Deo, Government Advocate
For Respondent No.3	: Shri Sanjeev Sagar, Advocate with Shri Prateek Sharma, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Order On Board****Per Thottathil B. Radhakrishnan, Chief Justice****11/09/2017**

1. This appeal against the judgment of learned Single Judge relates

to an issue of invocation of jurisdiction under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; for short, 'SARFAESI Act'.

2. We have heard the learned counsel for the appellants and the learned Government Advocate for the State and learned counsel for the respondent No. 3, the secured creditor.
3. The short issue that was projected before the learned Single Judge was as to whether the conditions required to invoke of Section 14 stood established. The learned Single Judge thought it appropriate not to go into any such issue, having regard to the fact that the actions taken by Section 13 of the SARFAESI Act had reached the Debts Recovery Appellate Tribunal, for short 'DRAT' constituted under the provisions of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993; for short, 'RDDBFI Act', which has now been superseded by the subsequent legislation. The fact of the matter remains that the writ petition from which this writ appeal is filed was instituted on 15/05/2017. It was on the very same day that the DRAT issued Annexure-A/13 order on an appeal filed by the secured creditor by which the Appellate Tribunal stayed the order of the Debts Recovery Tribunal. That order also contained the requirement that the debtor shall deposit an amount of Rs.2 Crores with the Registrar DRAT, failing which the SARFAESI proceedings stalled by the DRAT would continue.
4. Having regard to the ratio of the judicial precedents referred to by the learned Single Judge and the other precedents which govern

the field, particularly *United Bank of India v. Satyavati Tandon*, AIR 2010 SC 3413, we are of the view that the learned Single Judge was justified in refusing relief to the writ petitioners on the grounds pleaded by Revenue. This writ appeal therefore fails.

5. In the result, this writ appeal is dismissed affirming the decision of the learned Single Judge. We record the submission of the learned counsel for the appellant that this judgment may not stand in the way of the appellant challenging the decision of the DRAT imposing the conditions regarding deposit to sustain the protection granted by the DRT.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge