

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 340 of 2017

M/s Trident Pozzolan Private Ltd. Through Its Director, Sharad Kumar Tamrakar,
S/o Dr. Dhalo Singh Tamrakar, Aged About 50 Years, Regd. Office 334, 3rd
Floor, Lalganga Shopping Complex, G. E. Road, Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. Bank Of Baroda Gandhi Chowk Branch, Raipur, Distt. Raipur (Chhattisgarh)
Through The Authorized Officer.
2. The Collector, D. M. Raipur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Akshat Agrawal, Advocate
For Respondent No.1	:	Shri Ankit Singhal, Advocate
For Respondent No.2	:	Shri Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/04/2017

Heard.

1. In response to petitioner's argument that before passing of the order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the District Magistrate has not considered the violation of mandatory provision contained in the first proviso to Section 14 (1) (b), particularly, clause (vii) thereof, learned counsel for respondent No.1 submits that the impugned order dated 26.12.2016 shall not be made a basis for respondent No.1 to take decision. He submits that petitioner's representation made on 27.8.2015 shall be duly considered, decision taken and shall be communicated to the petitioner.
2. In view of the above, at this stage, no further order is required to be passed. The order passed by the District Magistrate shall not be given effect to. However, it will be open for respondent No.1 to take appropriate steps towards

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recovery after taking a decision on petitioner's claim, in accordance with law.

3. The petition is accordingly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen