

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 412 of 2018

1. M/s Yogesh Traders, Proprietor, Smt. Reeta Agrawal W/o Ghanshyam Agrawal, Aged About 57 Years,
2. Ghanshyam Agrawal S/o Omkarmal Agrawal Aged About 61 Years

Both R/o Azad Market, Station Road, Raipur, District Raipur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Collector and District Magistrate, Raipur, District Raipur, Chhattisgarh
2. Prescribed Officer and Chief Manager, Bank Of India, Zonal Office Raipur, Zone, G.D. Sheh Nilayam, Kankali Para Road, Tatyapara, Raipur, District Raipur, Chhattisgarh
3. Prescribed Officer, Bank Of India, Devendra Nagar Branch, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Appellants	Shri T. K. Jha, Advocate
For Respondent No.1	Shri U. N. S. Deo, GA
For Respondent Nos.2 & 3	Shri Anand Shukla, Advocate

Hon'ble the Chief Justice Mr. Ajay Kumar Tripathi

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

03/08/2018

1. The writ Courts are not required to interfere and derail actions under special laws. In this case, the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was set into motion because of default on the

part of the borrower and his account having been declared NPA.

2. When the matter was taken up earlier, a Division Bench of this Court vide order dated 20.06.2018 did extend protection to the petitioners provided they complied with the requirements of payment, which was recorded in the order. This indulgence shown by the Court despite the background noted by the Division Bench in a stay order has not been carried out by the petitioners. In other words, there is failure on the part of the petitioners to take advantage of the judicial umbrella, which was extended to them and also amounts non compliance.
3. The Court is informed that the property in question has now been auctioned by the Bank, if that be so, this writ appeal is dismissed. Let the law take its course, as there are enough remedies available within the special statute itself.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Prashant Kumar Mishra)
Judge