NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1067 of 2018

1. Smt. Shakuntala Devi Agrawal, W/o Late Shri Ashok Kumar Agrawal, Aged about 50 years,
2. Sachin Agrawal S/o Late Shri Ashok Kumar Agrawal, Aged about 26 years,
3. Sujut Agrawal S/o Late Shri Ashok Kumar Agrawal, Aged about 24 years,
4. Om Prakash Agrawal S/o Late Shri Bhagwan Das Agrawal, Aged about 71 years,
   Petitioner No.1 to 4 R/o C/o Sachin Traders, Main Road, Post- Lakhanpur, District Surguja (CG) 497 116
5. Smt.Neha Agrawal W/o Shri Sachin Agrawal, Aged about 27 years, R/o Kundla City, Agrawen Chowk, Ambikapur, District Surguja (CG)

---- Petitioners

Versus

1. Bank of Baroda, through its Authorized Officer, Branch Ambikapur, Deviganj Road, Ambikapur, District Surguja (CG) 497 001
2. Collector & District Magistrate, Ambikapur, District Surguja (CG)

---- Respondents

For Petitioners	:	Mr.Anand Shukla, Advocate
For Respondent No.1	:	Mr.Ankit Shinghal, Advocate
For Respondent No.2	:	Mr.Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17/4/2018

1. Learned counsel for the petitioner would submit that while passing the impugned order dated 8.3.2018 9 points affidavit as required in first proviso to Section 14(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter called as "SARFAESI Act") was not filed, therefore, the order is vulnerable and deserves to be set

aside.

2. Mr.Ankit Shinghal, learned counsel for respondent No.1 and Mr. Arun Sao, learned Deputy Advocate General for respondent No.2 after perusing the record would submit that no such affidavit was filed before the Collector along with application under Section 14 of the SARFAESI Act, which is mandatory in nature.

3. I have heard learned counsel for the parties and perused the impugned order.

4. In view of the admitted position on record that no 9 points affidavit as required in first proviso to Section 14(1) of the SARFAESI Act was filed before the Collector along with application under Section 14 of the SARFAESI Act, the impugned order is set aside. However, the liberty is reserved to the respondent-Bank to file fresh application supported by affidavit and to proceed in accordance with law.

5. The writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-