

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2355 of 2018**

1. Mayank Agrawal S/o Murari Lal Agrawal Aged About 27 Years
R/o Geeta Nagar Raipur, At Present R/o Flat No. A- 405, 4th
Floor, V-3, Dharohar, Shriram Nagar Phase- II, Shankar Nagar,
Raipur, District Raipur, Chhattisgarh.
2. Subodh Gupta S/o Late Parmanand Gupta Aged About 62 Years
R/o Jora Para, Bilaspur, District Bilaspur, Chhattisgarh
3. Ankur Agrawal S/o Sudhir Agrawal Aged About 30 Years R/o
Purani Basti, Raipur, District Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. State Bank Of India Commercial Branch, M. P. Housing Board
Colony, Fouji Nagar, Industrial Area, Bhilai, District Durg,
Chhattisgarh.
2. M/s. N. K. S. Mining Limited Represented By Shri Sanjay Kumar,
R/o 6- B, Express Tower, 42- B, Shakespeare Sarani, Kolkata W. B.

---- Respondent

For Petitioners
For Respondent-Bank

Mr. Manoj Paranjpe, Advocate
Mr. PR Patankar, Advocate

Order On Board By**Hon'ble Mr. Justice Prashant Kumar Mishra****27/8/2018**

1. Heard.
2. The DRAT has dismissed the petitioners' appeal as barred by
limitation.
3. It is argued that the impugned order is *ex facie* illegal and

arbitrary, in as much as, delay of mere 193 days has been refused to be condoned without considering that for a substantial length of time, out of 193 days, the petitioner was ill and if the said period is excluded, the actual delay in filing the appeal would be 31 days.

4. Having seen the order passed by the appellate authority, it appears the petitioners are not the borrowers. The petitioners have preferred an appeal against the auction proceedings, in which, the borrowers' mortgaged property was auctioned in favour of one M/s. N.K.S. Mining Ltd. The petitioners submitted their objection before the authorities after considerable delay and thereafter, again slept over their right and preferred the appeal with a delay of 193 days, after rejection of their objection before the DRT. It was the petitioners' contention that they were prevented from bidding by the auction purchasers, otherwise, they would have offered more handsome bid to purchase the property, which would have eventually benefited the bank in making substantial recovery of the loan amount.
5. If the petitioner's contention is accepted, then, any third person may raise an objection at a later point of time with a plea that he is ready to offer more amount than the auction purchaser and likewise, some other person may come to bid still higher amount than the first objector making the entire auction process endless. Moreover, there is no proper explanation for each days delay of 193 days in filing the appeal before the

DRAT. If the petitioners were really sincere and willing to purchase the property, they should have remained vigilant throughout. However, they failed to do so.

6. Therefore, on considering the contention of learned counsel for the petitioners from all possible aspects, this Court do not find present to be a fit case for entertaining the same in exercise of its equitable jurisdiction.
7. The writ petition is accordingly dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

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