

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2570 of 2018

1. Shri Akshay Kumar S/o Shri Ram Deo Aged About 40 Years R/o Ward No.17 Rajiv Nagar, Jamul, ACC Chowk, Bhilai District Durg, Chhattisgarh
2. Shri Vijay Kumar S/o Shri Ram Deo Churru Nirmalkar Aged About 32 Years R/o Ward No. 17 Rajiv Nagar, Jamul, ACC Chowk, Bhilai District Durg, Chhattisgarh

---- Petitioners

Versus

1. Dena Bank Through Head Office, Dena Corporate Centre, C/10, G Block, Bandra Kurla Complex, Bandra (East), Mumbai 400051
2. Dena Bank Through Branch Power House, Bhilai Branch, Nandini Road, District Durg, Chhattisgarh

---- Respondents

For Petitioner	Shri J. K. Gupta, Advocate
For Respondents	Shri Vinod Deshmukh, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

19/09/2018

1. Admittedly, recovery proceedings are pending before the DRT, Jabalpur in respect of the subject loan, therefore, the writ petition is not maintainable, as two parallel proceedings cannot be permitted to be initiated. Even if the auction notice (Annexure-P-2) is under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (for short Act, 2002) and the rules framed thereunder, against the

said proceedings also, the petitioner has remedy of preferring an appeal under Section 17 of the Act, 2002 before the DRT, Jabalpur. The petitioner may do so even now.

2. The writ petition is not maintainable. It is accordingly dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Nirala