

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 3430 of 2018**

- Haji Mohammed Farukh, S/o Wali Mohammed, Aged About 63 Years, Proprietor-M/s Farukhi Industries, R/o Jhanda Chowk, Pandri, Raipur, Chhattisgarh

**---- Petitioner**

**Versus**

- Bank of Baroda Through its Branch Manager, Main Branch, K. K. Road Raipur, Chhattisgarh

**---- Respondent**

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For Petitioner  
For Respondent

Shri B. P. Sharma, Advocate  
Shri Ankit Singhal, Advocate

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**Hon'ble Justice Mr. Prashant Kumar Mishra**

**Order On Board**

**02/01/2019**

1. The only prayer made in the writ petition is for a direction to the respondent Bank to decide the petitioner's representation (Annexure-P-6), by which the petitioner is requesting the respondent Bank to sell some of its mortgaged property for repayment of the loan amount.
2. Admittedly, proceedings under Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (for short 'the Act, 2002') have already been initiated against the petitioner, therefore, allowing any such prayer, as made in the writ petition, would amount to interference with the pending proceedings under the Act, 2002.

3. Petitioner's counsel would place reliance on (1910) SCC Online Calcutta 109 {**Mir Eusuff Ali Haji vs Panchanan Chatterjee**}.
4. In the matter of **United Bank of India vs Satyawati Tondon and others**<sup>1</sup>, the Supreme Court has held that the High Court should not interfere in the proceedings under Section 13 of the Act, 2002 when alternative remedy of preferring an appeal under Section 17 of the Act, 2002 is available.
5. As long as the proceedings under the Act, 2002 are pending, any prayer concerning loan transaction would amount to derailing the proceedings, therefore, this Court does not deem it appropriate to entertain this writ petition. The petitioner may avail the appellate remedy under the Act, 2002.
6. The writ petition is dismissed.

Sd/-  
Prashant Kumar Mishra  
Judge

Nirala

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<sup>1</sup> (2010) 8 SCC 110