

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 31 of 2019

1. Durgapada Kuity Flat No. 406, Khushi Tower Block-B, Fourth Floor Raipur, Chhattisgarh. Permanent Address R/o Village Khadinan, PO- Gopal Nagar, P. S. Kolaghat, District East Midnapur, State West Bengal, Pin- 721130.
2. Mrs. Moitry Chattopadhyay Flat No. 402, Khushi Tower Block- B, Fourth Floor, Raipur, Chhattisgarh, Permanent, Address Malancha, Rabindrapally Block- B, Durgapur- 713201, West Bengal.
3. Prabhakar Kumar Singh S/o Late Dhruv Sankar Singh, Flat No. 407, In Khushi Tower Amilidih, Raipur, Chhattisgarh. Permanent Address R/o Village And Post Sahlaur, District Siwan Bihar Pin 841226.

---- Petitioners

Versus

1. IDBI Bank Ltd. Through Its Manager, 1st Floor Dev Tower, Beside Holy Heart School, Civil Lines, Raipur,
2. M/s R. K. Jain Construction Prop. Mr. Vikash Kumar Jain, S/o Late R. K. Jain Office Of 311, 312, 4rd Floor, Lal Ganja, Shopping Mall, G E, Road Raipur, Tahsil And District Raipur, Chhattisgarh.

--- Respondents

For petitioners – Shri Shikhar Bakhtiyar, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/08/2019

Heard.

1. It is contended that the petitioners have purchased three different flats from M/s R.K. Jain Construction and availed loan by mortgage of the property i.e. flats. Subsequently, it came to notice that M/s R.K. Jain Construction respondent No.2 from whom the flats were purchased had availed loan earlier from UCO Bank and having defaulted entire property as was mortgaged including the property of the petitioners have been sold by auction in exercise of power under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Petitioners therefore prayed that in such case EMI which is being deducted by the IDBI Bank from whom petitioner availed the loan

may be stopped. Learned counsel submits that in this regard petitioners have made representation and only limited prayer of the petitioners is to decide the representation made to the IDBI Bank.

2. Considering the limited prayer made, without any observation on the merits of the case, it is directed that the representation so made by the petitioners may be decided by respondent No.1, IDBI Bank within a period of six weeks from the date of receipt of copy of the order.

3. With such direction, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE