

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 976 of 2020**

1. M/s. S.J. Rice Mills A Partnership Firm, Through Proprietor Mala Phally Joseph, Age 53 Years, Village Birebhat, Ahiwara, Tehsil Dhamdha, District Durg, Chhattisgarh.
2. Mala Phally Joseph Through Proprietor M/s S. J. Rice Mills, Village Birebhat, Ahiwara, Tehsil Dhamdha, District Durg, Chhattisgarh.

---- Petitioners**Versus**

1. Bank Of Baroda Through Branch Manager, Having Office At Civic Centre, Bhilai Branch, Bhilai, District Durg, Chhattisgarh.
2. Chhattisgarh State Cooperative Marketing Federation Limited Through The Managing Director, 6th Floor, Tower C, Commercial Complex, C.B.D., Sector 21, Atal Nagar, District Raipur, Chhattisgarh.
3. The District Collector District Durg, Chhattisgarh.

--Respondents

For Petitioners	:	Mr. Sudeep Johri, Advocate
		Mr. J.K. Gupta, Advocate
		Mr. Syed Ishhadil Ali, Advocate
For State	:	Ms. Sunita Jain, G.A.
For Respondent No.1	:	Mr. Ankit Singhal, Advocate
For Respondent No.2	:	Mr. Ashish Surana, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/03/2020**

1. The challenge in the present writ petition is to the sale notice issued by the respondent No.1 on 19.02.2020 and the paper publication made in this regard in the daily newspaper having wide circulation.
2. The primary contention of the petitioners in challenging the writ petition is the rate quoted for the properties for auction. According to the petitioners, the valuation report that was got prepared by the respondent No.1-Bank way back in the year 2014 & 2015 would show that the value of the land was roughly more than Rs.84 lakhs, whereas now the auction is being conducted at a substantially reduced value of

just about Rs.31 lakhs. Thus, the petitioners would be substantially put to loss, if the property of the petitioners is auctioned at cost lower than what it was valued 5-6 years back whereas the property value or the market value during these 5-6 years has increased substantially.

3. At the outset, this Court is of the opinion that challenge to the sale notice initiated by the respondent No.1-Bank is also one which is assailable under Article 17(1) of the “**SARFAESI ACT**” before the Debts Recovery Tribunal (DRT) and since the date of auction is said to be on 23.03.2020, the petitioner can still approach the Tribunal for ventilating their grievance.
4. Given the said facts, this Court is of the opinion that the writ petition at this juncture would not be maintainable. The right of the petitioners stands reserved to approach the concerned DRT for ventilating their grievance under Section 17(1). Subject to the petitioners moving an application, it is expected that the Tribunal shall hear the same promptly.
5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved