

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2276 of 2021

1. Shri Nakoda Food Through Shri Vinay Bafna, S/o Shri Hukum Chand Bafna, Aged About 54 Years R/o Mig 68, Padmnabhpur, Durg Chhattisgarh.,
2. Sanju Food Product Through Mrs. Sanju Bafna, W/o Shri Vinay Bafna, Aged About 54 Years R/o M I G 68, Padmnabhpur, Durg Chhattisgarh

---- Petitioners

Versus

1. Hdb Financial Services Through Authorized Officer, Branch Office, Third Floor, Simran Tower, Behind L I C Building, Pandri, Raipur Chhattisgarh.,
2. District Collector, Durg Chhattisgarh.
3. Smt. Kavita Sharma, W/o Shri Ashish Sharma, Aged About 39 Years R/o Ashish Villa, Ganjpara, Durg Chhattisgarh
4. Smt. Mitali Sharma, W/o Shri Vikrant Sharma, Aged About 34 Years R/o Ashish Villa, Ganjpara, Durg Chhattisgarh

---- Respondents

For Petitioner	:	Mr. T.K. Tiwari, Advocate
For State	:	Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.06.2021

1. Heard
2. Learned counsel for the petitioner submits that against the order passed under Section 13 & 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred as 'SARFAESI Act'), the petitioner has already approached the Debt Recovery Tribunal at Jabalpur, however the Debt Recovery Tribunal at Jabalpur is not functional on each and every day and few cases are being conducted through video conferencing. He submits that in this case, the property which was mortgaged has already been sold which is under challenge, therefore this Court may restrain any further coercive steps to be taken by the respondent No. 1- HDB Financial Services. It is submitted that

the property is in possession of the respondents No. 3 & 4.

3. Perusal of the documents show that the petitioner has already preferred an application before the D.R.T. Jabalpur by Annexure P/2, which is statutory forum. This Court cannot simultaneously draw a parallel proceeding and the petitioner therefore may approach the D.R.T. Jabalpur and may file an application for urgent hearing. Since it is being informed that certain urgent hearing cases are being heard at D.R.T. Jabalpur, therefore if the petitioner files an application for urgent hearing, then it is directed that the D.R.T. Jabalpur may hear the case of the petitioner as early as possible so as to ensure the right of hearing atleast in urgent cases.
4. With the aforesaid observation/ direction, the writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge