

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 3741 of 2021**

1. M/s Pratyush Steels 404, 4th Floor, Samta Shopping Arcade, Main Road, Samta Colony, Raipur, Through - Its Proprietor Abhishek Agrawal, S/o Rajendra Prasad Agrawal.
2. Abhishek Agrawal S/o Shri Rajendra Prasad Agrawal Aged About 32 Years R/o House No. 233, Samta Colony, Behind Gayatri Mandir, Raipur, District Raipur (Chhattisgarh)
3. Priyanshu Agrawal S/o Shri Kailash Agrawal Aged About 32 Years R/o House No. 233, Samta Colony, Behind Gayatri Mandir, Raipur, District - Raipur (Chhattisgarh)
4. Smt. Sarita Agrawal W/o Shri Kailash Agrawal Aged About 58 Years R/o House No. 233, Samta Colony, Behind Gayatri Mandir, Raipur, District- Raipur (Chhattisgarh)

**---- Petitioners****Versus**

1. Uco Bank Through - Its Chief Manager, Main Branch K.K. Road, Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. The Authorized Officer Uco Bank, Main Branch, K.K. Road, Raipur, District Raipur (Chhattisgarh)

**---- Respondents**


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| For Petitioners | : | Shri Prafull N. Bharat, Sr. Adv. With Shri Harshal Chauhan, Advocate |
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| For Respondents | : | Shri P. R. Patankar, Advocate |
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**Hon'ble Shri Justice Goutam Bhaduri****Order****14/09/2021**

1. Heard.
2. Learned counsel for the petitioners would submit that against the attachment order passed under Section 13 (4) of the SARFAESI Act the petitioner has

challenged the auction notice before the Debt Recovery Tribunal, Jabalpur. He would further submit that the DRT, Jabalpur is now presently functioning through the Lucknow Bench. He refers to the urgent hearing application filed and would submit that the case was listed on 10.09.2021 before the DRT wherein the stay on the auction was sought for. It is submitted that on 10.09.2021 the Presiding Officer since was on leave, the matter could not be heard. He would further submit that as has been informed the next sitting of the DRT would be on 17.09.2021 and today the auction has been fixed, therefore, the petitioner almost has become remediless, therefore, the auction which is fixed on 14.09.2021 may be stayed.

3. Per contra, learned counsel for the respondent opposes the arguments.
4. The perusal of the documents would show that the petitioner has already filed the appeal but because of the fact that the Presiding Officer was not available for some reason or the other, the same could not be heard. It is a trite law that the parties cannot be made to suffer for the fault of the Court. Under the circumstances, taking into the peculiar facts, it is directed that petitioner's application for interim relief may be heard by the DRT, Jabalpur wherein the petition is pending and till the adjudication is made, the auction which is proposed shall not be proceeded.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri  
Judge

Ashu