

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3993 of 2021

- M/s Rashanwallah Food Processing Private Limited, 1st Floor, Ruchi Complex, New Bombay Market, Raipur Chhattisgarh, Through - Its Director, Shri Vaibhav Vashistha, S/o Shri Shashikant Sharma, Aged About 63 Years, R/o B-7, Sector - 1, Mishri Jag, Avanti Vihar, Raipur, District Raipur, Chhattisgarh,

---- Petitioner

Versus

1. Vijaya Bank, Main Branch, Raipur, Opposite Police Station, Fafadih Chowk, Raipur, District Raipur Chhattisgarh,
2. The District Magistrate, Raipur, District Raipur Chhattisgarh,

---- Respondents

WPC No. 4000 of 2021

- M/s Travelwala India Private Limited, Ef - 8th Floor, Jmd Megapolis, Sohna Road, Gurgaon, 122001, Haryana, Through - Shashikant Sharma, S/o Late Jagmohan Sharma, Aged About 65 Years, R/o B-7, Sector - 1, Mishri Jag, Avanti Vihar, Raipur, District Raipur, Chhattisgarh,

---- Petitioner

Versus

1. Vijaya Bank, Main Branch, Raipur, Opposite Police Station, Fafadih Chowk, Raipur, District Raipur Chhattisgarh
2. The District Magistrate, Raipur, District Raipur Chhattisgarh

---- Respondents

For petitioner	:	Mr. Faiz Kazi, Advocate
For State	:	Mrs. Astha Shukla, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.09.2021

1. Heard
2. The instant writ petitions have been filed by the petitioners on the ground that this Court on 01.05.2019 & 02.05.2019 in WPC Nos. 1558/2019 & 1570/2019 has passed an order that the representation of the petitioners to consider the submission made by the petitioners may be taken into account by the District

Magistrate-cum-Collector before passing the order, however, before that, orders have been passed by the District Magistrate-cum-Collector Raipur on 29.04.2019 (Annexure P/6).

3. Learned counsel for the petitioners would submit that the District Magistrate -cum-Collector Raipur be directed to reconsider the order dated 29.04.2019 (Annexure P/6) as a specific direction was issued by this Court to consider the representation of the petitioners.

4. In the fact of this case, since the High Court has passed the order on 01.05.2019 & 02.05.2019 and before two days on 29.04.2019 (Annexure P/6), the order has been passed by the District Magistrate-cum-Collector Raipur in exercise of power under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act'). There cannot be a *de novo* hearing of the proceeding under Section 14 of the SARFAESI Act. While the Court was passing the order of 01.09.2019, the said fact was not brought to the notice of the Court, therefore, it is the petitioners who are to blame themselves for the same. However, the petitioners may avail the alternative remedy which is available to them under the SARFAESI Act.

5. With the aforesaid direction/ observation, both the writ petitions stands disposed off.

Sd/-

(Goutam Bhaduri)

JUDGE