

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4324 of 2021

1. M/s Shri Priyadarshi Rice Products And Others Products A Proprietorship Firm, Vyapar Vihar, Ring Road No. 1, Bilaspur, Chhattisgarh. 495001. Through Its Proprietors Smt. Chandrakala Manhar.
2. Smt. Chandrakala Manhar W/o Shri Khagendra Manhar, Aged About 46 Years R/o Of Bhartiya Nagar Bilaspur Chhattisgarh. - 495001.
3. M/s Shri Priyadarshi Paddy Parboiling A Proprietorship Firm, Vyapar Vihar, Ring Road No. 1, Bilaspur, Chhattisgarh 495001. Through Its Proprietor Shri Khagendra Manhar.
4. Shri Khagendra Manhar S/o Shri Ram Sewak Manhar, Aged About 56 Years R/o Of Bhartiya Nagar Bilaspur Chhattisgarh. -495001.

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Versus

1. Arsec (India) Ltd. And Anothers Solitaire Corporate Park, Building No. 2, Unit No. 201-202a And 2000-202b, Ground Floor, Andheri Ghatkopar Link Road, Chakala, Andheri (E), Mumbai - 400093 (Mh) Through Its Authorised Officer
2. Indian Bank (Earlier Known As Allahabad Bank) Idgah Chowk, Police Line Bilaspur-495001 (C.G.) Through Its Authorised Officer.
3. District Magistrate Bilaspur Officer Of District Magistrate, Bilaspur - 495001 Chhattisgarh.
4. Tahsildar Bilaspur Officer Of Tahsildar, Bilaspur - 495001 Chhattisgarh.

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For Petitioners	:	Mr. Shivendra Pandey & Mr. Ishan Verma, Advocates
For State	:	Mr. Akansha Jain, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26.10.2021

1. Heard on admission.
2. It is submitted on behalf of the petitioners that the respondent No. 1 has initiated a recovery proceeding against the petitioners who happened to be the Borrowers. The petitioners have challenged the recovery proceeding by filing an application before the DRT Jabalpur. During the pendency of that application, the Presiding Officer of the DRT Jabalpur passed an order dated 03.09.2021 restraining the

respondents from confirming the sale and issuing the sale certificate in favour of the auction purchaser till the next date fixed and another date of hearing was fixed on 29.10.2021. However, subsequent to that, the respondent No. 1 has issued a notice for sale vide Annexure P/9 dated 30.09.2021, in between the operative period of the interim order passed on 03.09.2021. The petitioners have filed an application on 18.10.2021 praying for amendment in the application before the DRT Jabalpur and also praying for stay of the proceeding. It is submitted that as the seat of the Presiding Officer is vacant, therefore, no forum is there for the petitioners to seek statutory relief. Hence, this petition has been filed under Article 226 of the Constitution of India, therefore the relief may be granted.

3. Learned State counsel representing the respondents No. 3 & 4 has made the formal objection.
4. After considering the submissions made, the petition is disposed off at the motion stage. It is ordered that the sale/ auction proceeding initiated against the petitioners by the respondent No. 1 shall remain stayed for the time being until the Presiding Officer of the DRT Jabalpur is appointed and the application for grant of stay is decided by the said authority. This interim order shall terminate with the decision of DRT Jabalpur on the application for interim relief.
5. Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge