

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4405 of 2021

- Sumant Mukherjee, S/o Shri Sushil Kumar Mukherjee, Aged About 33 Years R/o Shikshak Samiti Colony, Plot No. 83, Near Uslapur Station, Bilaspur (C.G.) Tehsil And District - Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Bank of Baroda, Through Branch Manager, Seepat Road Branch, Vasant Vihar, Rajkishor Nagar, Bilaspur (C.G.) Tehsil and District - Bilaspur Chhattisgarh
2. Authorised Officer, Regional Office, Bank Of Baroda, Vyapar Vihar Road, Opposite Gumber Petrol Pump, Bilaspur (C.G.) Tehsil and District - Bilaspur Chhattisgarh
3. ABC (Purchaser) Through Authorised Officer, Regional Office, Bank Of Baroda, Vyapar Vihar Road, Opposite Gumber Petrol Pump, Bilaspur (C.G.) Tehsil And District - Bilaspur (C.G.) (Name of the alleged purchaser is not known to the petitioner)

---- Respondent

For Petitioner : Mr. Shyam Sundar Lal Tekchandani, Advocate.
For Respondents No.1 & 2 : Mr. Ankit Singhal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/11/2021

Heard.

1. It is submitted by the counsel for petitioner, that the petitioner has borrowed from respondent No.1 & 2. The respondents have initiated auction proceeding with respect to mortgaged property. The petitioner has filed a securitization application before Debt Recovery Tribunal(DRT), Jabalpur, which is pending. The seat of the Presiding

Officer of DRT, Jabalpur, is vacant because of which the petitioner is unable to approach for authority and seek interim relief, hence, this petition has been filed. It is prayed that the interest of the petitioner may be protected until the vacancy in the DRT, Jabalpur is fulfilled and the prayer for interim relief of the petitioner is decided.

2. Learned counsel for respondents No.1 & 2 opposes the submissions and submits that there is already a delay of 559 days and yet the application for interim relief has not been filed before DRT, therefore, this may be disposed off with appropriate direction.
3. After considering on the submissions, the petition is disposed off at motion stage. The petitioner is granted liberty to file application for interim relief before DRT, Jabalpur. It is ordered, that the proceeding of auction if initiated against the petitioner shall not be finalized until the application for interim relief filed by the petitioner is decided by the DRT, Jabalpur after the appointment to the seat of Presiding Officer is made.
4. With this observation, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge