

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (CIVIL) NO. 4764 OF 2021**

- Santosh Kumar Kanuga, S/o Umedmal Kanuga, aged about 53 years, R/o Ward No.4, Athwani Gal House No.221, Badi Maszid Gal Poorv, Tahsil and District Dhamtari (C.G.). At Present, R/o Regal Builder, Sadar Bazar, Rajnandgaon (C.G.) **... Petitioner**

versus

1. Bank of Baroda, through its Authorised Officer, Regional Office, Bank of Baroda, 1st Floor, Zonal Market, Sector 10, Bhilai, District Durg (C.G.)
2. Branch Manager, Bank of Baroda, Dhamtari Branch, Sihawa Chowk, Raipur Road, District Dhamtari (C.G.) **... Respondents**

For Petitioner : Mr. Parag Kotecha, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[10/12/2021]**

1. The present Writ Petition has been filed by Petitioner seeking for issuance of appropriate Mandamus for setting aside of the sale confirmation passed by Respondent-Bank.
2. Contention of learned Counsel for Petitioner is that the Petitioner had already approached the Debt Recovery Tribunal, Lucknow Bench in respect of the auction proceeding initiated and the learned Tribunal vide its Order dated 19.8.2021 granted thirty days' time to the Petitioner for clearing of the entire outstanding amount. That, the said Order was a bipartite Order and the same was passed with the full knowledge of the Respondent-Bank.
3. Further contention of learned Counsel for Petitioner is that, though thirty days' time was granted by learned Tribunal on 19.8.2021, however ignoring the said Order the Respondent Authorities have proceeded further with the auction proceeding and have put the property on sale on 1.9.2021 and have also confirmed the sale on the same day in favour of the highest bidder to the said property.

4. Given the fact that there is already an Order passed by the learned Debt Recovery Tribunal, Lucknow Bench granting the Petitioner thirty days' time for clearing the entire outstanding amount and if there is any action taken by the Respondents in contravention to the Order passed by the learned Tribunal in this regard, the proper recourse available for the Petitioner is to approach the same Tribunal highlighting the said facts.

5. Accordingly, reserving the right of the Petitioner to approach the concerned Debt Recovery Tribunal, the present Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge