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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4775 of 2021

1. M/s N.L.A. Enterprises Through Its Proprietor Gayatri Devi Agrawal, W/o Late Niranjana Lal Agrawal, Address- Ganja Gali, Korba, Tahsil And District Korba (Chhattisgarh), District : Korba, Chhattisgarh
2. Raj Agrawal, S/o Late Niranjana Lal Agrawal, Aged About 40 Years R/o Tulsi Marg, Korba, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Petitioners

Versus

1. Uco Bank Through Its Authorized Officer, Korba Branch, Transport Nagar, Korba, Tahsil And District Korba (Chhattisgarh), District : Korba, Chhattisgarh
2. Loan Recovery Tribunal, Through Its Recovery Officer, Finance Ministry, Finance Service Department (Banking), 797 2nd Floor, Shanti Kunj, Jabalpur (M.P.), District : Jabalpur, Madhya Pradesh
3. Smt. Meena Agrawal, W/o Shri Ravindra, R/o Village Akaltara, Police Station Akaltara, Tahsil And District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
4. Smt. Sarita Agrawal, W/o Shri Deepak Agrawal, R/o Tulsi Marg, Korba, Tahsil And District Korba (Chhattisgarh), District : Korba, Chhattisgarh
5. Dilip Agrawal, S/o Late Niranjana Lal Agrawal, R/o Tulsi Marg, Korba, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh
6. Smt. Anita Agrawal, W/o Shri Somnath Agrawal, R/o Tulsi Marg, Korba, Tahsil And District Korba (Chhattisgarh), District : Korba, Chhattisgarh
7. Smt. Vimla Agrawal, W/o Shri Harikishan Agrawal, R/o Tulsi Marg, Korba, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh
8. Praveen Agrawal, S/o Late Niranjana Lal Agrawal, R/o Ganja Gali, Korba, Tahsil And District Korba (Chhattisgarh), District : Korba, Chhattisgarh

---- Respondents

For Petitioner	: Shri Malay Shrivastava, Advocate.
For the respondents	: Shri P.R. Patankar, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23.11.2021

Heard.

1. It is submitted by counsel for the petitioners that the petitioners are borrowers of respondent No.1-bank, which has initiated recovery proceedings against them. Auction proceeding has been initiated. The date submission of bids i.e. 23.11.2021. The petitioners intend to file securitization application before the Debt Recovery Tribunal, Jabalpur (MP) along with an application for grant of interim relief. However, the the Debt Recovery Tribunal, Jabalpur (MP) is not functional at present due to unavailability of the Presiding Officer, hence, this petition is filed praying for relief to protect interest of petitioners.
2. Learned counsel for respondent No.1 opposes the submissions and submits that the petitioner has not yet approached the DRT and filed any application before that authority, therefore, he is not entitled for any relief. It is further submitted that in case this Court is inclined to grant any relief to petitioners, in that case such interim relief be granted only on condition of partial payment of amount outstanding against petitioners.
3. Considered on the submissions and perused the documents filed along with petition.
4. Taking into consideration facts and circumstances of present case, this petition is disposed off at motion stage, granting liberty to the petitioners to file securitization application along with an application for grant of

interim relief before the Debt Recovery Tribunal, Jabalpur (M.P.) within 15 days from today. Petitioners are directed to make partial payment of Rs.15,00,000/- towards the amount outstanding against them for which the recovery has been initiated within a period of 15 days. Subject to filing of petition before the Debt Recovery Tribunal, Jabalpur (M.P.) and also deposit of amount, as ordered, it is directed that auction proceedings initiated against petitioners by respondent authorities shall not be finalized until application for grant of interim relief to be filed by petitioners before the Debt Recovery Tribunal, Jabalpur (M.P.) is decided subsequent to appointment of the Presiding Officer.

5. Accordingly, the petition stands disposed off.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha