

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 5176 of 2021**

1. M/s Aayush International Ltd. A Company Registered Under The Companies Act, 1956 Having Its Registered Office At - Plot No. 724, Urla Industrial Area, Urla, Raipur (C.G.) 493221. Through Its Authorised Signatory Mr. Aayush Agrawal. H-6, Anupam Nagar, Raipur, District - Raipur, Chhattisgarh 492001.
 2. Ashok Kumar Agrawal S/o Late Shri Tulsiram Agrawal Aged About 56 Years
 3. Smt. Seema Agrawal W/o Ashok Kumar Agrawal Aged About 53 Years
 4. Aayush Agrawal S/o Ashok Kumar Agrawal Aged About 32 Years
 5. Anmol Agrawal S/o Ashok Kumar Agrawal Aged About 28 Years
- All Resident of H-6, Anupam Nagar, Raipur, District - Raipur, Chhattisgarh 492001.

---- Petitioners**Versus**

1. Karnataka Bank Limited Through Its Authorised Officers, Asset Recovery Management Branch 8-B, First Floor, Rajendra Park, Pusa Road, New Delhi - 110060
2. Karnataka Bank Limited Through Its Authorised Officers, Raipur Branch, Taank Business Complex Jail Road Fafadih Chowk Raipur 492001 C.G.
3. The Collector District Raipur, Collectorate, Raipur, Chhattisgarh
4. Tehsildar Raipur, District- Raipur, Chhattisgarh

----Respondents

For Petitioners	:	Mr. Amit Buxy, Advocate
For State/Resp. No.3 & 4	:	Mr. Rahul Jha, Govt. Advocate

Hon'ble Mr. Justice P. Sam Koshy**Order on Board****13/12/2021**

1. The petitioners in the present writ petition seem to be aggrieved of the impugned memo issued by the Additional Tehsildar, Raipur dated 18.11.2021. Vide the said impugned memo the Additional Tehsildar has initiated steps for taking physical possession of the property as

reflected in memo, pursuant to an order passed by the District Magistrate, District Raipur under Section 14 of the SARFAESI Act, 2002 dated 12.07.2021.

2. The contention of the petitioners is that the petitioners herein had already challenged the Section 13(1) notice under the SARFAESI Act before the DRT, where the case has been registered as SA 133/2021. However, since the DRT Jabalpur was not functional on account of non-availability of Presiding Officer, the proceedings could not be heard. Meanwhile, the petitioners had approached for an urgent hearing before the DRT Lucknow, which has passed an interim order in favour of the petitioners staying of the further auction proceedings till the SA No. 133/2021 is pending consideration before the DRT Jabalpur.
3. Meanwhile, however order under Section 14 of the SARFAESI Act has already been passed by the District Magistrate, District Raipur, which has also been challenged by the petitioners by way of an amendment in SA No. 133/2021. However for want of a presiding officer the proceedings are pending consideration without any further progress on the matter.
4. Learned counsel for the petitioners submits that as of now he may be temporarily protected till a regular appointment to the DRT Jabalpur is made ensuring that this proceedings before the DRT does not get frustrated by the action on the part of the Tehsildar, who is vide memo (Annexure P/1) dated 18.11.2021 initiated steps for taking possession of the property.

5. Given the limited factual backdrop stated by the petitioners, this Court is of the opinion that prima facie a strong case for grant of interim relief has been made out, in as much as the respondent No.4-the Tehsildar Raipur is directed not to proceed further with the memo dated 18.11.2021 (Annexure P/1) as long as a regular appointment in the DRT Jabalpur is made.
6. The order of this Court would automatically loose its efficacy, in the event if a regular appointment or an alternative arrangement is made for taking of the matters pending before the DRT Jabalpur.
7. With the aforesaid observations, the present writ petition stands disposed of.
8. Certified copy today.

Sd/-
(P. Sam Koshy)
Judge

Ved