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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 5265 of 2021**

1. M/s Shree Vaishnavi Construction, Proprietor Virendra Pandey S/o Shri Bageshwari Pandey, Aged About 42 Years, Profession Business, R/o Kedarpur, Bhatti Road, Ambikapur Chhattisgarh, Police Station And Tehsil Ambikapur, Chhattisgarh, District Sarguja Chhattisgarh.
2. Smt. Shweta Pandey W/o Shri Virendra Pandey, Aged About 36 Years R/o Kedarpur, Bhatti Road, Ambikapur (C.G.), Police Station And Tehsil Ambikapur (CG), District Sarguja Chhattisgarh.

(Name Of The Petitioner Firm Is Wrongly Mentioned As M/s Vaishnavi Construction In The Order Dated- 29/11/2021 Passed By District Magistrate, Ambikapur, Chhattisgarh)

---- Petitioners**Versus**

1. Chhattisgarh Rajya Gramin Bank, Regional Office, Baikunthpur, Through Regional Manager, (Authorised Officer) Shri Ayodhya Prasad Soni S/o Shri Laxmi Narayan Soni, Aged About 58 Years, Address Chhattisgarh Rajya Gramin Bank, Regional Office, Baikunthpur Chhattisgarh, Police Station And Tehsil Baikunthpur Chhattisgarh, District Koriya, Chhattisgarh.
2. Chhattisgarh Rajya Gramin Bank, Through Branch Manager, Branch Office Mahaveerpur, Ajirma, In Front Of Central School, Surajpur Road, Ambikapur Chhattisgarh, District Sarguja, Chhattisgarh.
3. District Magistrate, Office Of District Magistrate, Ambikapur Chhattisgarh, District Sarguja, Chhattisgarh.
4. The Superintendent Of Police, Office Of S.P. Sarguja Chhattisgarh, District Sarguja, Chhattisgarh.
5. The Sub Divisional Magistrate, Officer Of S.D.M. Ambikapur Chhattisgarh, District Sarguja, Chhattisgarh.

---- Respondents

For Petitioners : Mr. Shayam Sunder Lal Tekchandani, Advocate

For State : Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

17.12.2021

1. The present writ petition has been filed seeking for an interim protection to the petitioners by restraining the respondents 1 & 2 from taking possession of the property of petitioners invoking the provisions of the Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (hereinafter referred as "the SARFAESI Act).
2. Learned counsel for the petitioner submits that on account of certain default on the part of the petitioners in repayment of loan amount, the account of the petitioner has been declared NPA and a proceeding under the SARFAESI Act has been initiated against the petitioners. The initiation of proceedings under the SARFAESI Act against the petitioners had already been subjected to challenge before the DRT, Jabalpur. However, because of the fact that there was no regular Presiding Officer available at DRT, Jabalpur, the proceeding could not be finalized. Meanwhile, the district Magistrate has now passed an order under Section 14 of the SARFAESI Act ordering for taking of the possession of the property belonging to the petitioners. The petitioners have immediately moved an application for amendment in the original application before the DRT, Jabalpur and have also moved an application for an urgent hearing in respect of the SARFAESI proceedings.
3. The limited prayer of the petitioners is that first of all, the DRT, Jabalpur is not having a regular Presiding Officer and it is lying

defunct for a quite considerable period of time and now the charge of DRT, Jabalpur has been given temporarily to DRT, Mumbai. The DRT, Mumbai in turn has given only two dates i.e. 16th & 23rd of December, 2021 for taking up urgent matters of DRT, Jabalpur. The petitioners are trying hard along with the application for urgent hearing so that the matter can be taken up for hearing at DRT Mumbai. However, on account of huge pendency of cases at DRT, Jabalpur, his request for urgent hearing may not be acceded to by the DRT Mumbai and in the process the respondents may act upon the order under Section 14 of the SARFAESI Act and may try to dispossess the petitioners from their property.

4. Given the aforesaid factual matrix of the case, particularly realizing the difficulty that the petitioners are facing in the light of there being no regular Presiding Officer at DRT, Jabalpur and further that the matter may not be listed at DRT, Mumbai for interim protection and for urgent hearing, this Court in exercise of its writ jurisdiction, purely as an interim measure, restrains the respondents more particularly the respondents 3 to 5 from taking any further coercive steps against the petitioners in the light of the order under Section 14 of the SARFAESI Act passed by the district Magistrate on 29.11.2021 till the applications for urgent hearing and for grant of interim relief are taken up by the concerned DRT or even by the DRT, Mumbai which presently has been given the charge of DRT, Jabalpur.
5. The writ petition therefore with the aforesaid direction stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**