

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CONTEMPT PETITION NO.55 OF 2023

M/s B.J. Grains and ors.

..vs..

Anil Kumar Nandkishor Jha and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Z.Z. Haq, Advocate for the petitioner.

Shri S.N. Fuladi, Advocate a/w shri Radhika Agrawal, Advocate
for respondent no.1 and 2.

CORAM: PRAVIN S. PATIL, J.

DATED : 25/09/2025.

Heard.

2. By this petition, it is alleged that there is disobedience of the order dated 13.06.2022 passed by the Debts Recovery Tribunal, Nagpur below I.A. No.798/2022 in S.A. No.179/2022.

3. Perusal of the order shows that while deciding the I.A No.798/2022, respondent Bank was directed to give 15 days prior notice to the present petitioner before initiating fresh process of possession. According to the petitioner, directions given by the Tribunal was not followed in the matter, and therefore, according to him, there is willful disobedience of the order, and respondents are liable to be punished for the disobedience and non-compliance of the directions issued by the Tribunal.

4. Respondent nos. 1 and 2 filed affidavit on record and pointed out that after the order of the Tribunal dated 13.06.2022, as per the directions, pre-intimation notices was issued to the petitioner on 04.10.2022 informing that physical possession of the secured assets will be taken up on 21.10.2022. As such, from this notice, it is clear that 15 days

prior notice was issued to the petitioner.

5. The present petitioner challenging the notice dated 04.10.2022 by another I.A No.1918/2022 in S.A. No. 179/2022 pending before the Tribunal.

6. The said application was decided by the Tribunal by order dated 19.10.2022. The Tribunal has observed that earlier the application filed by the respondents was rejected by order dated 13.06.2022. It is further noted that possession notice has been affixed on the secured assets and to substantiate the same, the respondents have placed on record the photographs to show that the proper opportunity was given to the petitioner before taking possession of the secured assets. As such, learned Tribunal being satisfied with the reply of the respondents, rejected the application filed by application in the said matter.

7. It is seen from the record that there were further litigation between the parties and ultimately it was came up before this Court vide Writ Petition No.7547/2022. The respondent Bank by this petition seeks indulgence of this court as they were finding it difficult to implement the order this Court dated 24.09.2018 issued under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

8. After the indulgence of this Court in the matter, the possession has been taken on 16.12.2022. Therefore, in view of subsequent events, it is clear that, respondent nos. 1 and 2 has taken care to follow due procedure of law before taking possession of security of assets.

9. In the circumstances, I am of the view that there is no willful or intentional disobedience of the order dated 13.06.2022. Rather, it is clear from the record that all the

endeavours were taken by respondents to grant opportunity to the petitioner before taking possession of security assests. So also as per order of the Tribunal prior notice was also issued.

10. In the circumstances, I am of the view that there is no willful or intentional disobedience of the order dated 13.06.2022 at the instance of respondents in the matter. Accordingly, the contempt stands dismissed.

(PRAVIN S. PATIL, J.)

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