CGHC010438302026 2026:CGHC:46959

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5603 of 2026

1 - M/s Durg Tractors, Through Its Proprietor Ajay Singh, S/o Ram Kunwar Singh, Aged About 62 Years, At Vill - Jeora Sirsa, Near Shyam Dharmkanta, Dhamdha Road, District - Durg, Chhattisgarh, Pin - 491001

2 - Ajay Singh S/o Ram Kunwar Singh, Aged About 62 Years R/o Flat No. 304, Shanti Niketan Appt, Malviya Nagar, District - Durg, Chhattisgarh, Pin – 491001

3 - Varun Pratap Singh S/o Ajay Singh, Aged About 38 Years, R/o Flat No. 304, Shanti Niketan Appt, Malviya Nagar, District - Durg, Chhattisgarh, Pin – 491001

4 - Mrs. Adesh Singh W/o Ajay Singh Aged About 60 Years R/o Flat No. 304, Shanti Niketan Appt, Malviya Nagar, District - Durg, Chhattisgarh, Pin – 491001

5 - Mrs. Deeksha Devra W/o Varun Pratap Singh, Aged About 34 Years, R/o Flat No. 304, Shanti Niketan Appt, Malviya Nagar, District - Durg, Chhattisgarh, Pin - 491001

... Petitioner(s)

SHYNA AJAY
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Date: 2026.11.05 18:44:40 +0530

versus

1 - Cholamandalam Investment and Finance Company Limited, Represented By Managing Director / Authorized Officer, Registered Office “Chola Crest”, C54-55 and Super B-4, Thiru-Vi-Ka Industrial Estate, Guindy, Chennai, Tamilnadu - 600032

2 - The Authorized Officer, Cholamandalam Investment and Finance Company Limited, Branch / Zonal Office, Currency Tower, No. 7036 To 7059, Great Eastern Road, Near Croma, Vishal Nagar, Raipur, Chhattisgarh 492001

3 - District Magistrate Durg, Distt - Durg (C.G.)

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	**:**	Ms. Akansha Singh, Advocate
For Respondent(s)	**:**	Mr. Anil S. Pandey, Government Advocate

SB: Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

05/11/2026

1. By way of the present petition, the petitioners have challenged the Notice (Annexure P/1), whereby an e-auction Sale Notice has been issued in respect of immovable assets mortgaged by the petitioners as security for a loan facility that presently remains unpaid.
2. The petitioner has prayed for the following reliefs :

a) call for the entire records of Loan Account No. TLO1RCT00000038598 from *Respondent Nos. 1 and 2, including the basis of conflicting NPA declarations and accounting ledgers;*

(b) quash and set aside the Impugned E-Auction Sale Notice dated 13.10.2026 (Annexure P/1) and the Symbolic Possession Notice dated 20.07.2026 (Annexure P/2) as arbitrary, illegal, and without jurisdiction and it is further prayed for dropping the proceedings against the petitioners under SARFAESI Act 2002;

(c) direct Respondent Nos. 1 and 2 to consider the Petitioners' repayment and restructuring proposal dated 30.09.2026 and grant a reasonable extension of time to regularize the loan account and EMI;

(d) direct that during the pendency of regular sittings before DRT Jabalpur, the physical and symbolic possession of the Petitioners over the secured commercial premises shall not be disturbed;

(e) award the costs of the present petition in favour of the Petitioners; and

(f) pass such other order or orders as this Hon'ble Court may deem just and proper in the facts and circumstances of the case and in the interest of justice.

3. Learned counsel for the petitioners submits that although the appropriate remedy lies before the Debt Recovery Tribunal (D.R.T.), Jabalpur, the petitioners have approached this Court as the said Tribunal is not functional, leaving the petitioners with no effective, immediate remedy against the e-auction scheduled for

18.11.2026. She submits that the Bank's action is illegal from the beginning because it issued the demand notice on 23.04.2026**,** months before the loan was officially declared an NPA on 05.07.2026 and tried to dismiss its conflicting NPA dates as a computer glitch. She submits that on 28.10.2026, Respondent No. 1 issued an Interest Paid Certificate confirming receipt of Rs.43,75,261/- for the Financial Year 2026-27. She submits that having accepted and adjusted Rs.49,24,000/- deposited between April and September 2026, Respondent No. 1 cannot act with gross arbitrariness by subjecting the petitioners' operational establishment to a distress auction on 18.11.2026 under the guise of total default.

4. *Per contra*, learned counsel for the State/Respondents objects to the maintainability of the petition, submitting that the D.R.T., Jabalpur is functional, as the charge of D.R.T., Jabalpur has been assigned to D.R.T.-2, Ahmedabad. He submits that the petitioners ought to approach D.R.T.-2, Ahmedabad by filing an appropriate Securitisation Application under the SARFAESI Act.
5. At this stage, learned counsel for the petitioners further submits that the petitioners are willing to deposit the outstanding loan amount and have already moved an application for settlement before the Respondent-Financial Institution, however, the said application has been dismissed.
6. Heard learned counsel for the parties and also perused the documents annexed with the petition carefully.

7. Having considered the submissions of learned counsel for the parties, particularly the submissions that the petitioners are ready to deposit the outstanding loan amount and that the D.R.T. Jabalpur is not functioning at present and D.R.T.-2 Ahmedabad (Incharge of D.R.T. Jabalpur) has been assigned the cases of DRT Jabalpur, and further since the application of the petitioners for settlement has already been dismissed, this Court deems it appropriate to relegate the petitioners to approach D.R.T.-2, Ahmedabad (Incharge of D.R.T. Jabalpur) by filing a Securitisation Application.

8. Accordingly, the petitioners are granted 20 working days' time from today to file an appropriate Securitisation Application before the D.R.T.-2, Ahmedabad (Incharge of D.R.T. Jabalpur).

9. In order to enable the petitioners to approach the competent Tribunal, it is directed that no coercive steps shall be taken against the petitioners by the respondents for a period of 20 working days from today.

10. With the aforesaid observations/directions, the Writ Petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay