HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 43898 of 2026

Vijay Prakash Pandey

.....Petitioner(s)

Versus

State of U.P. and others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kamal Kumar Singh, Sanjay Kumar Singh
Counsel for Respondent(s)	:	C.S.C., Krishna Mohan Asthana, Satish Chaturvedi, Shadab Alam

Court No. - 2

HON'BLE J.J. MUNIR, J.
HON'BLE VIVEK SARAN, J.

1. Heard learned Counsel for parties.

2. The petitioner has taken advantage of this Court's order earlier passed on 16.07.2026 in **Vijay Prakash Pandey v. State of U.P. and others, 2026:AHC:144203-DB,** when proceedings under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('SARFAESI Act' for short) were initiated, seeking a direction to the Tribunal to pass appropriate orders on the petitioner's application filed against the order dated 27.06.2026 passed by the Additional City Magistrate (II), Prayagraj, under Section 14 SARFAESI Act. This Court granted a stay of coercive measures for a period of two weeks and directed the Tribunal to pass appropriate orders on the petitioner's miscellaneous application, preferred against the last mentioned order by the Additional City Magistrate.

3. When the case was taken up by the Tribunal on 14.08.2026 through video conferencing, in violation of this Court's order of 16.07.2026 passed in **Vijay Prakash Pandey** *(supra)*, the petitioner did not appear before the Tribunal. When the fact was pointed out to the learned Counsel for the

petitioner, he came up with a lame excuse, disclosing the petitioner's mindset, which may either be animated by the desire to abuse the process of Court or disclose an attitude of callousness regarding the process of Court as one to be taken for granted. In both eventualities, the Tribunal noted that the petitioner was not present, when the matter was taken up through video conferencing, and somehow recorded that the notice dated 27.06.2026 has become infructuous.

4. Now that a fresh notice dated 09.10.2026 has been issued by the Additional City Magistrate (II), Prayagraj, fixing 29.10.2026 for taking over of possession of the petitioner's secured asset, we are not inclined to interfere in the matter.

5. Proceedings under Section 14 SARFAESI Act are processual in nature, and the remedy, which the petitioner has, is against measures taken under Section 13(4) SARFAESI Act. As it appears, there is a securitisation application pending before the Debts Recovery Tribunal, Allahabad, wherein, the last mentioned miscellaneous application was made, that was disposed of as infructuous, when the learned Counsel for the petitioner did not appear.

6. It will be open to the petitioner to make a fresh application seeking interim relief against the order dated 09.10.2026 in the securitisation application pending before the D.R.T., Allahabad.

7. This petition stands **disposed of** in terms of the orders aforesaid.

October 28, 2026
I. Batabyal

(Vivek Saran,J.) (J.J. Munir,J.)

Digitally signed by :-
ISHAN BATABYAL
High Court of Judicature at Allahabad