2026:AHC:230748

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 45337 of 2026

M/S Green Earth Exim India Pvt Ltd.

.....Petitioner(s)

Versus

Debt Recovery Tribunal And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Mohd Rustam, Parijat Srivastava
Counsel for Respondent(s) : Krishna Mohan Asthana, Satish Chaturvedi

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Court No. - 9

HON'BLE ROHIT RANJAN AGARWAL, J.

1. The present writ petition has been filed with the following prayers:-

"A. Issue a writ, order or direction in the nature of Mandamus, commanding Respondent Nos. 2 and 4 to forthwith refund the sum of Rs 1,48,47,000/- (Rupees One Crore Forty-Eight Lakh Forty-Seven Thousand only) deposited by the petitioner with the respondent Bank;

B. Issue a writ, order or direction commanding Respondent Nos. 2 to 4 to pay appropriate interest on the aforesaid amount from the respective dates of deposit until the date of actual refund;

C. Declare that the continued retention of the petitioner's aforesaid amount, despite the communication dated 15.09.2026 issued by the respondent Bank, is arbitrary, unreasonable and illegal, and violative of Article 14 of the Constitution of India;

D. Issue a writ, order oz direction commanding Respondent No. 1, namely, the Debts Recovery Tribunal, Allahabad, to take up and decide I.A. No. 6574 of 2026 expeditiously, preferably within such period as may be fixed by this Hon'ble Court;

E. Issue a writ, order or direction commanding Respondent No. 1 to proceed with and decide S.A. No. 936 of 2022 expeditiously and strictly in accordance with the order dated 09.10.2026 passed by this Hon'ble Court in Civil Misc. Writ Petition No. 41146 of 2026;"

2. It has been pointed out by counsel for the Bank that this writ petition is not maintainable as earlier the petitioner had approached this Court through Writ-C No. 41146 of 2026 which was disposed of on 09.10.2026 and following order was passed:-

> *"1. This is a petition on behalf of the auction purchaser. Borrower-respondent no. 4 filed an S.A. No. 936 of 2022 before the Debts Recovery Tribunal, Allahabad questioning the initiation of the securitization proceedings by the bank. The sole prayer made is for expeditious disposal of the S.A. No. 936 of 2022.*
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> *2. As no useful purpose would be served in keeping the matter pending or calling for counter affidavit or issuing notice to the respondents, at this admission stage, the Debts Recovery Tribunal, Allahabad is hereby directed to proceed with the said S.A. No. 936 of 2022 and decide the same within a period of six months from the date of production of certified copy of this order, in accordance with law, after hearing all affected parties.*
>
> *3. With the aforesaid directions, the petition stands disposed of.*
>
> *4. It is made clear that this Court has not adjudicated the matter on merits."*

3. According to him, once the petitioner has already sought direction for expediting the securitisation application, the present writ petition for refunding the amount is not maintainable.

4. This Court, after perusing the order passed on 09.10.2026 and prayer made in the present writ petition, finds that such mandamus cannot be issued as the matter is engaging attention of Debts Recovery Tribunal, Allahabad.

5. The present writ petition is dismissed with direction to petitioner to pursue his remedy before Debts Recovery Tribunal, Allahabad.

(Rohit Ranjan Agarwal,J.)

November 5, 2026
(V. S. SINGH)

Digitally signed by :-
VIDYA SAGAR SINGH
High Court of Judicature at Allahabad