

(2018) 09 CHH CK 0403

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2499 Of 2018

M/s Kasturi Rice Mills

APPELLANT

Vs

Allahabad Bank, Zonal Office
And Ors

RESPONDENT

Date of Decision: Sept. 26, 2018

Acts Referred:

- Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 - Section 13(2), 14

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Abhinav Kardekar, Malay Kumar Bhaduri

Final Decision: Disposed Of

Judgement

Prashant Kumar Mishra, J

1. Pursuant to the demand notice dated 6.3.2014 securitisation process was initiated under the Securitisation and Reconstruction of Financial Assets

and Enforcement of Security Interest Act, 2002 (for short 'the Act'), which was assailed by the petitioner before the Debts Recovery Tribunal (DRT)

in SA No.96/2014, however, eventually the Bank made a statement before the DRT on 24.4.2015 that the Bank has withdrawn securitisation process

and that for recovery the Bank has reserved its right to initiate fresh action, if need be.

2. In this petition, challenge is to the District Magistrate's order under Section 14 of the Act based on securitisation process initiated on 13.2.2015 by

issuance of notice under Section 13(2) of the Act. The petitioner appears to have moved another proceeding before the DRT bearing SA No.139/14

challenging securitisation process which happened before 24.4.2014. The SA came to be dismissed on 3.5.2018 with an observation that the earlier proceedings have already been withdrawn and subsequent notice dated 13.2.2015 together with possession notice dated 3.8.2015 have not been assailed before the DRT.

3. Since the petitioner has already approached the DRT twice, he should avail the remedy before the DRT against issuance of demand notice dated 13.2.2015 and all subsequent proceedings emanating therefrom.

4. Let the petitioner move an application/appeal before the DRT within one month. On such appeal being preferred, the same shall be considered by the DRT on merits without raising plea of limitation.

5. Interim order passed by this Court on 2.1.2018 shall continue for a period of two months from today.

6. With the aforesaid observation, the Writ Petition is disposed of.