

(2024) 06 MP CK 0013

In the Madhya Pradesh High Court

Case No : Writ Petition No. 16481 of 2024

Bharti Hedav and Ors.

APPELLANT

Vs

State of Madhya Pradesh and Others

RESPONDENT

Date of Decision : 14-06-2024

Acts Referred:

Financial Assets and Enforcement of Security Interest Act, 2002 — Section 17

Citation : (2024) 06 MP CK 0013

Hon'ble Judges : Sheel Nagu, J, Amar Nath (Kesharwani), J

Bench : Division Bench

Advocate : Jay Bafna, Bhuwan Gautam

Final Decision : Disposed Of

Judgement

The challenge herein is to the order of the Additional District Magistrate dated 06.05.2024 (Annexure-P-1) passed under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity "SARFAESI Act").

2. The counsel for the petitioners contends that an application under Section 17 of the SARFAESI Act has already been filed challenging the aforesaid order, but due to absence of the Presiding Officer of DRT, Jabalpur, who is said to be on leave, no hearing has taken place.

3. It is also informed that no alternative arrangement has been made for hearing urgent matters at any other Bench of the DRT in any of the adjoining States.

4. Since, the Securitization Application No. 586 of 2024 has already been filed and is pending consideration, till the DRT decides on the interim IA No. 3625 of 2024, no coercive steps shall be taken against the petitioners.

5. This Court hastens to add that no comment on merits has been made and the DRT shall be free to decide the prayer for interim relief along with the SA either way, in accordance with law.

With the aforesaid, petition stands disposed of. All the pending IAs also stands disposed of.