

(2021) 11 UK CK 0110

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2425 Of 2021

Dharamveer Singh And Another

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 22-11-2021

Acts Referred:

Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 — Section 14(2), 17

Citation : (2021) 11 UK CK 0110

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Sachin, Pradeep Hairiya, Siddhartha Sah

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner took a loan of Rs. 37,00,000/-from Syndicate Bank, Branch Mayapur (Devpura), District Haridwar (now Canara Bank). Since petitioner defaulted in repayment of the loan, therefore, proceedings for recovery of the outstanding amount were initiated against him.

2. By mean of this writ petition, petitioner has challenged the order passed by District Magistrate, Haridwar under Section 14 (2) of SARFAESI Act, 2002.

3. Learned counsel for the petitioner submits that term of Presiding Officer of Debt Recovery Tribunal, Dehradun had expired several weeks ago and new incumbent is yet to join in his place, therefore, petitioner is not in a position to seek protection from Debt Recovery Tribunal, Dehradun by filing application under Section 17 of SARFAESI Act, 2002.

4. Learned counsel for respondent no.5 concedes that submission made by petitioner's counsel is correct to the extent that Debt Recovery Tribunal, Dehradun is not functional due to non-availability of Presiding Officer. He further

submits that new incumbent is likely to be appointed very soon.

5. In such view of the matter, writ petition is disposed of with liberty to petitioner to approach Debt Recovery Tribunal, Dehradun by filing an application under Section 17 of SARFAESI Act, 2002 within a period of two weeks from today. For a period of four weeks from today, no coercive measures shall be adopted against the petitioner.

6. Let a certified copy of this order be issued within a period of 24 hours, on payment of usual charges.