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**(2021) 12 UK CK 0236**

**In the Uttarakhand High Court**

**Case No : Writ Petition (M/S) No. 2771 Of 2021**

M/s Durga Dal Mill, 1 Sai Puram Line Jeewan Garh,  
Vikasnagar, Dehradun

**APPELLANT**

**Vs**

State Of Uttarakhand & Others

**RESPONDENT**

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**Date of Decision : 22-12-2021**

**Acts Referred:**

Securitization And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002, — Section 17

**Citation : (2021) 12 UK CK 0236**

**Hon'ble Judges : Manoj Kumar Tiwari, J**

**Bench : Single Bench**

**Advocate : Rajat Mittal, M.S. Bisht, Siddhartha Sah**

**Final Decision : Disposed Of**

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**Judgement**

Manoj Kumar Tiwari, J

1. Petitioner is a borrower, who is facing proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. Learned counsel for the petitioner submits that although petitioner has remedy under Section 17 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, however, due to non-availability of Presiding Officer in Debts Recovery Tribunal, Dehradun, such remedy has become illusory. He further submits that petitioner is ready and willing to liquidate the loan, but, the only thing he wants is some reasonable time, in order to arrange for necessary funds.

3. Having regard to willingness shown by petitioner to repay the loan, writ petition is disposed of with liberty to petitioner to approach the Competent Authority in the lending bank, by making representation for rescheduling the loan, within ten days from today. If petitioner deposits a sum of Rs. 5,00,000/-

with his representation, then the Competent Authority in the bank shall consider petitioner's request and take appropriate decision, in accordance with law, as early as possible, but not later than three weeks from the date of presentation of such representation.

4. For a period of four weeks or till decision on petitioner's representation, whichever is earlier, no coercive action shall be taken against the petitioner.

5. Let a certified copy of this order be issued today itself.