
(2021) 12 UK CK 0070

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2562 Of 2021

M/s Jai Bharat Industries & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 07-12-2021

Acts Referred:

Citation : (2021) 12 UK CK 0070

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Shubham Chhabra, Siddhartha Jain

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner no. 1, through petitioner no. 2, took a loan from Bank of Baroda, Lalpur Branch Kichha, District Udham Singh Nagar. Petitioner nos. 3 & 4 stood as guarantors in respect of the said loan.

2. Since petitioners defaulted in repayment of the loan, therefore, coercive steps were taken by the bank for recovery of the outstanding dues.

3. By means of this writ petition, petitioners have challenged the e-auction notice dated 21.11.2021, whereby bids were invited till 04.12.2021 for auction sale of the secured assets on 08.12.2021.

4. It is not in dispute that the e-auction notice, impugned in this writ petition, has been challenged by petitioners before Debts Recovery Tribunal, Dehradun in Securitization Application No. 152 of 2021 (M/s Jai Bharat Industries and others v. Bank of Baroda). It is also not in dispute that Debts Recovery Tribunal, Dehradun is lying vacant since 01.10.2021 and Presiding Officer has not been appointed for the said Tribunal. The Securitization Application was filed by the petitioners on 12.11.2021, which was amended on 02.12.2021, however, petitioners could not obtain any relief from Debts Recovery Tribunal, on account

of vacancy on the post of Presiding Officer.

5. Learned counsel for the petitioners submits that if the respondent-bank auctions the assets mortgaged with the Bank, then the very purpose of filing securitization application would be frustrated. He, therefore, submits that in view of the grave urgency involved in the matter and also in view of vacancy on the post of Presiding Officer, Debts Recovery Tribunal, petitioners are entitled for protection.

6. Having regard to the fact that Debts Recovery Tribunal, Dehradun is non-functional, it is provided that e-auction of the secured assets in terms of the impugned notice may go on, however, auction sale of secured assets shall not be confirmed for a period of four weeks or till appointment of Presiding Officer, Debts Recovery Tribunal, Dehradun, whichever is earlier.

7. With the aforesaid direction, the writ petition stands disposed of.

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