

(2021) 12 MP CK 0096
In the Madhya Pradesh High Court
Case No : Writ Petition No. 29134 Of 2021

M/S New Delhi Motor Workshop And Another	APPELLANT
Vs	
The Authorised Officer Cum Chief Manager, Transport Co-Operative Bank Ltd. And Others	RESPONDENT

Date of Decision : 30-12-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 12 MP CK 0096

Hon'ble Judges : Subodh Abhyankar, J;Rajendra Kumar Verma, J

Bench : Division Bench

Advocate : Abhinav Malhotra

Final Decision : Disposed Of

Judgement

This writ petition has been filed by the petitioner under Section 226 of the Constitution of India seeking the following reliefs:-

I] allow the instant petition and stay the effect and operation of the auction notice issued and published by the Respondent Bank No.1 (Annexure

P/1A), dated 14/12/2021 scheduling auction of the subject property on 30/12/2021 till the effective hearing of the Interim Application filed by the

Petitioners in SA.

II] Direct the Respondent No.1 Bank to keep in abeyance the proceedings under the realm of the provisions of the Act, 2002 till the Ld. DRT,

Jabalpur finally decides the Interim Application filed by the Petitioners seeking protection from this possession.

III] Any other relief this Hon'ble court may deem fit to be granted to the Petitioner in the given facts and circumstances of the case, in the most

expedient interest of justice for which the Petitioner will remain indebted,

gratified and obliged forever for this act of kindness the humble Petitioner as in duty bound shall every pray.â??

The grievance of the petitioners is that although their case is pending before the Debt Recovery Tribunal in which by way of an amendment

application, the order impugned dated 14/02/2021 is also challenged, however, on account of the vacancy in the Debt Recovery Tribunal, there is no

Presiding Officer and the application is still pending.

Learned counsel for the petitioners submits that the petitioners are apprehending dispossession of their property. He further submits that petitioners

are also ready to deposit Rs.1.5 Lakhs more of the amount within further 15 days time. It is further submitted that orders have been passed by this

Court in W.P. No.24173/2021 dated 08.11.2021 and W.P. No.26369/2021 dated 14.12.2021 wherein this Court relying on the decision of the Supreme

Court in the case of L.Chandra Kumar Vs. Union of India reported in (1997) 3 SCC 261 have disposed of the writ petitions directing the Tribunal to

decide the interim application. Until the aforesaid application is decided, protection has been provided to the petitioners.

On due consideration of the submissions made by the learned counsel for the petitioners and on perusal of the orders in the aforesaid cases, we

dispose of this petition by directing the Tribunal to take up the interim prayer of the petitioners as early as possible and decide it in accordance with

law expeditiously.

Till such time decision on interim prayer of petitioners is taken up by the Tribunal, no coercive action be taken by the respondents against the

petitioners. The petitioners shall file this order in the Registry of the Tribunal within 7 working days from today.

It is made clear that the petitioners shall also abide by the undertaking which has been given by the counsel for the petitioners in the Court today.

With the aforesaid this writ petition is disposed of.