

**(2024) 04 MP CK 0152**

**In the Madhya Pradesh High Court**

**Case No : Writ Petition No. 10332 Of 2024**

M/S Quality Chinese Foods

APPELLANT

Vs

India Credit Co. Ltd And Others

RESPONDENT

**Date of Decision : 22-04-2024**

**Acts Referred:**

Constitution Of India, 1950 — Article 226  
Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security  
Interest Act, 2002 — Section 17, 17(5)

**Citation : (2024) 04 MP CK 0152**

**Hon'ble Judges :** Sushrut Arvind Dharmadhikari, J;Gajendra Singh, J

**Bench :** Division Bench

**Advocate :** Atharva Vyas

**Final Decision :** Disposed Of

## Judgement

Sushrut Arvind Dharmadhikari, J

Heard on the question of admission and interim relief.

1. This writ petition under Article 226 of the Constitution of India has been filed by the petitioner seeking a direction to the Presiding Officer, Debt Recovery Tribunal, Jabalpur for expeditious disposal of pending S.A. No. 1046/2022.

2. Brief facts of the case are that petitioner being the proprietorship firm has taken loan facility by way of equitable mortgage of diverted land situated at Plot No. 3, Survey No. 1076 Industrial Area, Village Rau Distt. Indore from respondents/Bank . The petitioner serviced the interest to the respondent bank. However, respondent/bank invoked the actions under the realm of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [referred to as 'SARFAESI Act' hereinafter]. Thereafter, said actions of respondents/bank have been challenged by the petitioner before the DRT, Jabalpur by filing S.A. No. 1046/2022 under Section 17 of the SARFAESI Act.

However, the said application has not been finally decided yet. Hence, the instant

petition has been filed.

3. Learned counsel for the petitioner submits that petitioner's S.A. No. 10461/2022 u/S 17 of the SARFAESI Act is pending before the DRT since last 17 months and he apprehends execution of the order passed by the District Magistrate, Indore. He further submits that inspite of availing remedy under SARFAESI Act and approaching DRT, petitioner is left remediless. Hence, the present petition may be allowed and the Presiding Officer, DRT, Jabalpur may kindly be directed to list the matter as early as possible for expeditious disposal of S.A. No. 1046/2022.

4. Learned counsel for the respondent/State opposes the prayer made by learned counsel for the petitioner.

5. Heard, learned counsel for the parties and perused the record.

6. Since it is submitted by learned counsel for the petitioner that he has already approached DRT by filing application u/S 17(1) of the SARFAESI Act, it is pertinent to mention here that such an application shall be dealt with by the DRT as expeditiously as possible within sixty days. Section 17(5) of SARFAESI Act reads as under:

"(5) Any application made under sub?section (1) shall be dealt with by the Debts Recovery Tribunal as expeditiously as possible and disposed of within sixty days from the date of such application: Provided that the Debts Recovery Tribunal may, from time to time, extend the said period for reasons to be recorded in writing, so, however, that the total period of pendency of the application with the Debts Recovery Tribunal, shall not exceed four months from the date of making of such application made under sub?section (1)."

7. In view of sub-section (5) of Sec 17 of SARFAESI Act, but without expressing any opinion on the merits of the case, this petition is disposed of with direction to the DRT, Jabalpur to consider and decide S.A. No. 1046/2022 filed by the petitioner as expeditiously as possible, preferably within a period of sixty days from the date of receipt of certified copy of the order passed today.

8. With the aforesaid direction, the petition is disposed of. C.C. as per rules.