

(2024) 08 UK CK 0008

In the Uttarakhand High Court

Case No : Writ Petition (MB) No. 298 Of 2024

M/s Rukhmani & Sons And Others

APPELLANT

Vs

HDFC Bank Ltd.

RESPONDENT

Date of Decision : 05-08-2024

Acts Referred:

Recovery Of Debts Due To Bank And Financial Institution Act, 1993 — Section 9
Recovery Of Debts And Bankruptcy Act, 1993 — Section 20, 21

Citation : (2024) 08 UK CK 0008

Hon'ble Judges : Ritu Bahri, CJ;Rakesh Thapliyal, J

Bench : Division Bench

Advocate : Siddharth Sah, Priyanka Agrawal, Dhruv Tamta

Final Decision : Disposed Of

Judgement

Ritu Bahri, CJ

1. By way of the present writ petition, the petitioner challenges the order dated 04.07.2024 passed by the learned Debt Recovery Tribunal, Dehradun in O.A. No. 267 of 2023 HDFC Bank Ltd. vs. M/s Rukhmani & Sons and Ors, whereby the Debt Recovery Tribunal has allowed the Application filed by the respondent-Bank under Section 9 of the Recovery of Debts Due to Bank and Financial Institution Act, 1993 and has directed to initiate recovery proceedings and in pursuance thereof sell hypothecated assets and mortgaged properties to recover the amount due to the Bank.

2. Learned counsel for the respondent-Bank has taken an objection that there is an alternative remedy of filing an Appeal.

3. As per Section 20 of the Recovery of Debts and Bankruptcy Act, 1993, the petitioner has an alternative remedy of filing an Appeal and, as per Section 21 thereof, he has to make the pre-deposit.

4. On merits the order impugned can be examined by the Appellate Authority. It

is made clear that the period spent by the petitioner in this Court will not be considered while condoning the delay.

5. The present writ petition is disposed of with the above said directions.