
(2023) 02 JH CK 0044

In the Jharkhand High Court

Case No : Writ Petition (C) No. 1002 Of 2023, IA No. 2067 Of 2023

Panchdeo Cold Storage Pvt. Ltd

APPELLANT

Vs

Canara Bank And Others

RESPONDENT

Date of Decision : 24-02-2023

Acts Referred:

Securitization And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 — Section 14, 14(1)(2), 17(1)

Citation : (2023) 02 JH CK 0044

Hon'ble Judges : Rajesh Shankar, J

Bench : Single Bench

Advocate : Amritans Vats, P.A.S. Pati

Final Decision : Dismissed/Disposed Of

Judgement

Rajesh Shankar, J

The present writ petition has been filed for quashing the order as contained in memo no.305 dated 15th February, 2023 (Annexure-9 to the writ petition) passed by the respondent no.3 under Section 14(1)(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act, 2002'), which will be given effect on 25th February, 2023 for taking physical possession of the property of the petitioner, since the SARFAESI Application no.114 of 2023 filed on behalf of the petitioner on 21st February, 2023 under Section 17(1) of the SARFAESI Act, 2002 along with I.A. Nos.102 of 2003, 103 of 2023 and 104 of 2023 in O.A. No.82 of 2021 for quashing the letter dated 15th February, 2023 will not be taken up for hearing on or before 25th February, 2023 because the President Officer of the Debts Recovery Tribunal, Ranchi is on leave for the period from 18th February, 2023 to 25th February, 2023. Further prayer has been made for issuance of direction upon the respondent no.4 to hear SARFAESI Application no.114 of 2023 along with said interlocutory applications at the earliest and dispose of the same in accordance with law and till disposal of the said application, the order dated

15th February, 2023 may be kept in abeyance.

At the very outset, Mr. P.A.S. Pati, learned counsel for the respondent-Bank submits that though the petitioner has stated in the writ petition that the Presiding Officer, Debts Recovery Tribunal, Ranchi is on leave for the period from 18th February, 2023 to 25th February, 2023, however, as per his information, the Presiding Officer has been holding the Court during the said period through video conferencing considering urgency involved in the matter.

Keeping in view the said submission made by learned counsel for the respondent-Bank, this Court is not inclined to entertain the present writ petition on merit. The petitioner is, however, given liberty to make urgent mentioning before the Presiding Officer/Registrar, Debts Recovery Tribunal, Ranchi and on doing so, the Presiding Officer, Debts Recovery Tribunal, Ranchi will take up the case today itself and will pass an appropriate order on the interim prayer of the petitioner seeking stay of the process of taking physical possession of the property in question in terms with the order passed by the Superintendent of Police, Saran at Chhapra under Section 14 of the SARFAESI Act, 2002.

The writ petition is, accordingly, dismissed as not maintainable.

I.A. No.2067 of 2023 also stands disposed of.