
(2021) 07 UK CK 0021

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 431 Of 2018

Vijender Singh

APPELLANT

Vs

Regional Manager, Canara Bank And Another

RESPONDENT

Date of Decision : 02-07-2021

Acts Referred:

Citation : (2021) 07 UK CK 0021

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Siddhartha Sah

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Petitioner took a housing loan of Rs. 15,00,000/-from Canara Bank, Branch Kotdwar, District Pauri Garhwal. Since, he defaulted in re-payment of

loan, therefore, proceedings for recovery of outstanding amount was initiated against him under the provisions of SARFAESI Act.

2. In the present writ petition, petitioner has challenged auction notice dated 21.01.2018 issued by Regional Manager, Canara Bank, Dehradun.

3. A Co-ordinate Bench of this Court on 20.02.2018 had stayed the auction notice dated 21.01.2018 qua the petitioner, provided he deposits a sum of

Rs. 2,00,000/- with the respondent-Bank on or before 21.02.2018 and further amount of Rs. 5,00,000/- within a period of one month thereafter i.e. on or before 21.03.2018.

4. Learned counsel appearing for the respondent-Bank has made a statement that, in deference to the interim order passed by this Court, the secured

asset of the petitioner mortgaged with the respondent-Bank was not put to

auction. He however submits that, since petitioner has not deposited the amount as directed, thus has violated order of this Court, therefore, a fresh auction notice has now been issued and secured asset of the petitioner is now again being put to auction, which is scheduled for 15.07.2021.

5. In view of the statement made by the learned counsel appearing for the respondent-Bank, the relief, as claimed in the writ petition, cannot be granted.

6. Accordingly, the writ petition fails and is dismissed.

7. There will be no order as to costs.