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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P. No. 1776/2001

PETITIONERS :

1. M/s. Bindal Ispat Udyog,
Through Prop:- Hiralal Saraf
Industrial Area, Bhanpuri,
Raipur, (C.G.)
2. Hiralal Saraf, S/o. Shri Ranglal
Saraf, aged about 82 yrs.
3. Ajay Kumar Saraf, S/o. Hiralal
Saraf, aged about 30 yrs.
4. Girdharilal Bindal
S/o- Shri Hiralal Saraf aged about 32 yrs.
5. Smt. Tara Devi Agrawal aged about 75 yrs
W/o- Shri Hiralal Saraf,



Respondent No.2 to 5, Resident
of 217, Samta colony, Raipur (Chhattisgarh).

VERSUS

RESPONDENTS :

1. The Debt Recovery Tribunal,
Jabalpur (M.P.)
2. Bank Of India, Rukhmani Bhawan,
Behind Jairam Talkies Complex,
Sharada Chowk, Raipur, Chhattisgarh.

WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA

आदेश पत्रक

मामला क्रमांक W.P.No.1776/सन् 2001

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>27.11.2001</p> <p>Heard Shri Kishore Bhaduri, Advocate for the petitioner.</p> <p>Heard also Shri P.S.Nair, Senior Advocate with Shri P.S.Koshy, Advocate for the respondent No.2.</p> <p>Consequent to the order / judgement passed by the Debt Recovery Tribunal in transfer application No.231/98 dated 05.01.2000 ^{expulsion from} proceedings have been brought against the petitioner.</p> <p>It is contended by Shri Gautam Bhaduri that the said case was decided at Jabalpur on 05.01.2000 while the petitioner was behind the bar in connection with another case. Therefore, it is submitted that the same case was decided ex parte. In the meantime, time to file review or appeal or revision lapsed. Hence, this petition before this Court.</p> <p>The only grievance Shri Gautam Bhaduri highlights before this Court is that though the petitioner ^{has no intention} is not intended to avoid payment, unless he be allowed to continue in his business it will become impossible for him to make payment.</p> <p>Shri P.S.Nair, learned Senior Advocate for the respondent No.2 submits that the learned Tribunal at Jabalpur would have however to condone delay in terms of section 30 of Recovery of Debts Due to Banks and Financial Institutions Act, 1993.</p>	

[Signature]

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>After hearing the counsel representing the parties, I am of the view that for the ends of justice, Debts Recovery Tribunal at Jabalpur should examine the grievance of the writ petitioner on merit. In this view of the matter, let the writ petitioner approach the said Tribunal within a period of 30 days from today. On receipt of application from the petitioner the learned Tribunal shall proceed to hear the case and dispose of the same expeditiously. Until the matter is decided by the learned Tribunal, all execution proceedings pending before the Recovery Officer, Debt Recovery Tribunal shall remain stayed and no coercive action shall be taken against the petitioner. The Tribunal shall dispose of the matter expeditiously but not later than 06 six months from the date the application is moved.</p> <p>The petition is disposed of accordingly.</p> <p>Certified copy as per rules.</p>	<p>Sd/- Chief Justice</p>
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