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Before the Hon'ble High Court of Chhattisgarh at Bilaspur

Writ Petition (C) No. 1931 / 2013  
2012

Single Bench

Petitioner/~~Plaintiff~~:

1. Anil kumar Soni, aged about-25 years,  
Occupation: Business,
  2. Sunil Kumar Soni, aged: 29 years,  
Occupation: Business, both are S/o shri  
Vinod Kumar Soni
  3. Sulochana Soni, W/o shri Vinod Kumar  
Soni, Occupation : Housewife.
- All are R/o: Jaiswal Gali, Ghandhi  
Chowk, Main Road P.S.- Kotwali ,  
Civil and Revenue District:- Korba,  
Korba. (C.G.)

R. No. 1931/10  
Presented by Shri. Soni, Anil  
dated. 27/12/10



VS.

Respondents:

Authorized Officer, Bank of Baroda,  
S.S. Plaza Road, Power House Road,  
Korba P.S.- Kotwali , Civil  
and Revenue District:- Korba, Korba.  
(C.G.)

Writ Petition under Article 226 of Constitution of India for issuance of  
Proper Writ/ Order/ Direction to the Respondent.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक OP(C)-1931/13 सन् 20

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><b>Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal</b></p> <p><b>30-12-2013</b></p> <p>Shri Samir Singh, counsel for the petitioners.</p> <p>At the outset, learned counsel for the petitioners would submit that in view of the observation made by the Supreme Court in paragraph 22 of its decision in <b>United Bank of India vs. Satyawati Tondon and others</b>, (2010) 8 SCC 110, an appeal would be maintainable before the Appellate Tribunal and, therefore, the petitioners be allowed to withdraw the instant writ petition with liberty to invoke the jurisdiction of Appellate Authority under Section 17 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.</p> <p>The Supreme Court observed in <b>Satyawati Tondon case</b> (supra) as under:</p> <p>"22. Section 17 speaks of the remedies available to any person including the borrower who may have grievance against the action taken by the secured creditor under sub-section (4) of Section 13. Such an aggrieved person can make an application to the Tribunal within 45 days from the date on which action is taken under that sub-section. By way of</p>	

X-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

CJ8(C)-1931/13

मामला क्रमांक

सन् 20

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p>abundant caution, an Explanation has been added to Section 17(1) and it has been clarified that the communication of reasons to the borrower in terms of Section 13(3-A) shall not constitute a ground for filing application under Section 17(1)."</p> <p>In view of above observation, the petitioners are permitted to withdraw the instant writ petition with liberty to invoke the appellate jurisdiction of the Tribunal.</p> <p>The writ petition is dismissed as withdrawn with liberty to the petitioners to invoke the appellate jurisdiction of the Tribunal.</p> <p>In view of above, I.A.No.1 for grant of stay, I.A.No.2 for urgent hearing and I.A.No.3 for hearing during winter holidays stand disposed of.</p> <p>Certified copy today.</p>	<p>Sd/- <b>Sanjay K. Agrawal</b> Vacation Judge</p>

Gopal