

Court No. - 29

Case :- WRIT - C No. - 31056 of 2019

Petitioner :- Mukesh Kumar Agarwal

Respondent :- State Of U.P. And Another

Counsel for Petitioner :- Lavkush Kumar Bhatt

Counsel for Respondent :- C.S.C.,Jitendra Kumar Tripathi

Hon'ble Pankaj Mithal,J.

Hon'ble Saral Srivastava,J.

Heard Sri Lavkush Kumar Bhatt, learned counsel for the petitioner and Sri Jitendra Kumar Tripathi, learned counsel for the Canara Bank.

The petitioner has come up in this petition for quashing of the notice dated 9.8.2019 issued by the bank under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Learned counsel for the bank informs that petitioner has already initiated proceedings before the Debt Recovery Tribunal by means of a Securitisation Application No. 554 of 2017 against him under Section 13 (4) of the SARFAESI Act.

Moreover, it has been informed that pursuant to the aforesaid notice, the property of the petitioner has been E-Auctioned on 18.9.2019 in favour of one Rajpal s/o Late Shyam Lal, who has even deposited 25% of the auction amount.

In view of the aforesaid facts and circumstances, as the property has already been auctioned and the proceedings of recovery are under challenge by the petitioner before the Debt Recovery Tribunal, we are not inclined to exercise our discretionary powers. The petitioner, if so advised, may oppose the confirmation of the sale in accordance with law.

The writ petition is **dismissed** with the above observations.

Order Date :- 30.9.2019

Ishan