

Court No. - 3

Case :- WRIT - C No. - 20298 of 2025

Petitioner :- Yadunandan Pandey

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Krishna Kant Dwivedi

Counsel for Respondent :- C.S.C., Ramesh Kumar Shukla

Hon'ble Shekhar B. Saraf, J.

Hon'ble Praveen Kumar Giri, J.

1. Heard learned counsel appearing on behalf of the parties.

2. This is a writ petition under Article 226 of the Constitution of India wherein the writ petitioner has made the following prayers:-

"i. issue a writ, order or direction in the nature of Mandamus directing and commanding the respondent no. 2 not to give effect of the impugned ex-parte order dated 20.03.25 (Ann. no. 1 to the writ petition) passed by the respondent no. 2, in Computerize Case no. D202505310000575, under section 14 of the Securitization & Reconstruction of Financial assets and Enforcement of Security Interest Act, 2002 during pendency of the Securitization Application no. 164 of 2025 before the Debt Recovery Tribunal Prayagraj.

ii. issue a writ, order or direction in the nature of Mandamus directing the Respondents not to take possession of the house of the petitioner as the petitioner as guarantor is always ready to pay the amount due upon the borrower.

iii. issue a writ, order or direction in appropriate nature directing and commanding the respondent bank to take the amount due upon the borrower in easy installment after adjusting the amount already paid by them."

3. In umpteen number of writ petitions, challenge with regard to the orders passed under Section 14 of the Securitization & Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 are being filed in the High Court as the Debts Recovery Tribunal, Prayagraj is not functioning due to no member being present in the said Tribunal.

4. We are given to understand that there is no permanent member sitting in Debts Recovery Tribunal, Prayagraj and the jurisdiction of the DRT, Prayagraj with regard to urgent matters is with the DRT, Jabalpur. In fact, we have been informed that from June 24, 2025, the additional charge given to the DRT, Jabalpur has also expired and, therefore, no matters are being heard, even if they are

urgent.

5. The above situation is alarming and is resulting in inordinate delay in matters being heard.

6. In light of the same, this Court requests the Ministry of Finance, Government of India to look into the said matter and expedite fresh appointments to the DRT that are vacant at the present moment.

7. The ASGI is directed to appear in the matter on the next date.

8. Registry is directed to communicate the order passed in the Court today to the Ministry of Finance, Government of India and the Office of the ASGI, Allahabad High Court forthwith for necessary action.

9. In view of the judgment of Hon'ble the Supreme Court in ***Celir LLP vs. Bafna Motors (Mumbai) Pvt. Ltd.***, reported in ***2023 SCC Online SC 1209***, we are unable to intervene at this stage and pass any interim order in favour of the petitioner as it is clear that the property has been sold long time back on 26.12.2024 and, thereafter, sales certificate has been issued on 28.3.2025. The interim application of the petitioner is pending before the DRT, Prayagraj.

10. The respondent-Bank is directed to file a short counter affidavit to the present writ petition within two weeks from today. One week, thereafter, is granted to the petitioner to file rejoinder affidavit.

11. List the matter on July 29, 2025 as fresh.

Order Date :- 4.7.2025

DKS

(Praveen Kumar Giri,J.) (Shekhar B. Saraf, J.)