



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1593 of 2026

1 - M/s. Aditya Rice Mill Through Its Proprietor- Shri Nitin Sahu, S/o Shri Nathu Prasad Sahu, Aged About 41 Years, R/o Behind The Masjid, Pendra, District- Gaurela-Pendra-Marwahi (C.G.)

2 - Shri Nitin Sahu S/o Shri Nathu Prasad Sahu Aged About 41 Years R/o Behind The Masjid, Pendra District- Gaurela-Pendra-Marwahi (C.G.)

3 - Shri Nathu Prasad Sahu S/o Late Shri Lalta Prasad Sahu Aged About 69 Years R/o Behind The Masjid, Pendra, District- Gaurela-Pendra-Marwahi (C.G.)

... Petitioners

versus

1 - State Bank Of India Through Its Authorised Officer/ Manager, Having Its Corporate Office At State Bank Bhavan, Madam Cama Road, Nariman Point, Mumbai, Maharashtra And Local Office At Pendra Vb Branch, Near Jain Mandir, Pendra, District- Gaurela-Pendra-Marwahi (C.G.)

... Respondent

Order Sheet

15/04/2026	Mr. Manoj Paranjpe, Sr. Advocate with Ms. Apoorva Ghore, counsel for the petitioners. Mr. PR Patankar, counsel for the respondent. Heard. Issue notice to the respondent.
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	Learned counsel for the respondent accepts notice on behalf of the respondent, hence issuance of notice to them is dispensed with. Also heard on IA No.01/2026, application for grant of interim relief. Learned Sr. counsel appearing for the petitioners submits that earlier the respondent had issued notice dated 01.11.2017 (Annexure-P/5) under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act-2002 (for short 'the SARFAESI Act) and followed by another notice dated 18.12.2017 (Annexure-P/6). Thereafter, notice (Possession Notice) under 13(4) of the SARFAESI Act was also issued. Aforesaid notices were challenged by the petitioners by filing Securitization Application being SA No.129/2018 before the Debts Recovery Tribunal, Jabalpur. It is further submitted that the respondent also filed application under Section 19 of the Recovery of Debts due to Banks & Financial Institutions Act, 1993 and has itself sought time to file reply in SA No.129/18. Thereafter the respondent – Bank again issued impugned notices dated 05.03.2026 (Annexure-P/1 to P/3), whereas, earlier notices are already sub judice before the DRT, Jablapur, therefore, issuance of subsequent notices is completely illegal, hence, it is prayed that interim protection may be granted to the petitioners in respect of impugned notices (Annexure-P/1 to P/3). In reply, learned counsel appearing for the respondent-Bank submits that there is specific provision provided under Section 13(3A) of the SARFAESI Act, challenging the notice issued under section 13(2) of the of the SARFAESI Act, but without availing aforesaid remedy, the petitioners have directly filed instant petition, hence, interim protection may not be granted. However he seeks time to file reply. Time, as prayed for, is granted.
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Bini	However, considering the fact that earlier notices issued under Section 13(2) and 13(4) of the SARFAESI Act are already sub judice before Debts Recovery Tribunal, Jabalpur, and despite that the respondent-Bank has issued subsequent notices under the same provision (though, it is submitted that the respondent has withdrawn earlier notices), purely as an interim measure, it is directed that effect and operation of impugned notice dated 05.03.2026 (Annexure-P/1), notice dated 05.03.2026 (Annexure-P/2) and notice dated 05.03.2026 (Annexure-P/3) shall remain stayed till the next date of hearing. Sd/- (Naresh Kumar Chandravanshi) Judge
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