



2026:CGHC:18237



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 466 of 2026

1 - Rahul Kumar Mishra S/o Tribhhuwan Prasad Mishra Aged About 32 Years Occupation Private Job R/o Pragati Nagar, Near Shiv Mandir, Bada Ashok Nagar, Gudhiyari, The. And District Raipur Chhattisgarh-492001

2 - Tribhhuwan Prasad Mishra S/o Shyam Sundar Mishra Aged About 62 Years Occupation Private Job R/o Pragati Nagar, Near Shiv Mandir, Bada Ashok Nagar Gudhiyari, The. And District Raipur Chhattisgarh - 492001

3 - Smt. Vandana Mishra W/o Tribhhuwan Prasad Mishra Aged About 59 Years Occupation House Wife R/o Pragati Nagar, Near Shiv Mandir, Bada Ashok Nagar, Gudhiyari, The. And District Raipur Chhattisgarh-492001

4 - Sunil Kol S/o Shri Mohan Kol Aged About 26 Years Occupation Private Job R/o Ward No. 10 Kolan Tola, Dalkokothaar 288 Papaundh Sahdol District- Sahdol (M.P.) -484774

... Petitioner(s)

versus

1 - Aavas Financiers Limited Through Its Authorised Officer, Local Office B-1, Second Floor, Nagdev Plaza, Kutchery Chowk, Opposite Punjab Palace, Hotel Raipur (C.G.) 492001 Chhattisgarh -492001 Raipur (C.G.) Reg. Registered Corporate Office 201-202 2nd Floor Southend Square, Mansarover Industrial Area, Jaipur 302020 Customer

2 - District Magistrate District- Raipur (C.G.)

3 - Tehsildar Raipur (C.G.)

... Respondent(s)



For Petitioner(s) : Mr. Raman Mishra, Advocate.

For Respondent-State : Mr. Rohan Shukla, Panel Lawyer.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.

Order on Board

21/04/2026

1. The petitioners have filed the present writ petition under Article 227 of the Constitution of India, challenging the orders dated 03.07.2025, 15.07.2025 and 12.12.2025 passed by the learned Debts Recovery Tribunal, Jabalpur, in Securitisation Application No. 538 of 2025 and I.A. No. 7813 of 2025, whereby the learned Tribunal directed the petitioners to deposit the alleged outstanding amount as a condition for grant of interim protection and thereafter rejected the Review/Recall Application filed by the petitioners without adjudicating the matter on merits and without considering the material documents placed on record by the petitioners. They prayed the following reliefs in the writ petition:-

“10.1 That, this Hon'ble Court may kindly be pleased to Call for the records pertaining to S.A. No.538/2025 pending before the Debts Recovery Tribunal Jabalpur;

10.2 That, this Hon'ble Court may kindly be pleased to quash and set aside the impugned order dated 12.12.2025 passed Debt recovery tribunal Annexure P-1.

10.3 That, this Hon'ble Court may kindly be pleased to quash and set aside the order dated 03.07.2025 and 15.07.2025 Annexure P-3 and P-4 and also pleased to quash observations cum findings in the impugned order dated 03.07.2025 and 15.07.2025 Annexure P-3 and P-4 whereby the proceedings have been treated as time-barred



and/or decided without adjudicating the matter on merits;

10.4 That, this Hon'ble Court may kindly be pleased to direct the Learned Debts Recovery Tribunal to hear and decide Securitisation Application No. 538 of 2025 afresh on merits, in accordance with law, without being influenced by any of the observations made in the impugned orders, and after granting full and fair opportunity of hearing to the Petitioners;

10.5 That, this Hon'ble Court may kindly be pleased to pass appropriate orders directing status quo stay with respect to the order dated 24.03.2025 passed by the Learned District Magistrate (Annexure P-7), and restrain the Respondents from taking any coercive action pursuant thereto during the pendency of the present petition;

10.6 That, this Hon'ble Court may kindly be pleased to grant interim protection to the Petitioners by staying the operation, implementation, and execution of the impugned orders and any consequential proceedings;

10.7. That, this Hon'ble Court may kindly be pleased to pass any other Soler(s) or direction(s) as this Hon'ble Court may deem fit and proper in five facts and circumstances of the present case in the interest of justice."

2. The brief facts of the case are that the petitioners, being borrowers of Respondent No.1/Aavas Financiers Limited, were subjected to proceedings initiated under the SARFAESI Act, culminating in the order dated 24.03.2025 passed by the District Magistrate, Raipur under Section 14 of the Act. Aggrieved thereby, the petitioners preferred Securitisation Application No. 538 of 2025 before the learned Debts Recovery Tribunal, Jabalpur. During pendency of the said proceedings, the learned Tribunal



vide orders dated 03.07.2025 and 15.07.2025 imposed conditions directing the petitioners to deposit substantial amounts, including the alleged outstanding dues, without adjudicating the matter on merits and by erroneously treating an affidavit filed by learned counsel as consent on behalf of the petitioners. Thereafter, the petitioners filed Review/Recall Application being I.A. No. 7813 of 2025 placing on record the order sheet of the District Magistrate proceedings to demonstrate absence of effective hearing; however, the said application was dismissed vide order dated 12.12.2025 without proper consideration of the material available on record, hence the present writ petition.

3. Learned counsel appearing for the petitioners would submit that the impugned orders dated 03.07.2025, 15.07.2025 and 12.12.2025 passed by the learned Debt Recovery Tribunal are wholly arbitrary, illegal and contrary to the material available on record, inasmuch as the learned Tribunal has proceeded on the erroneous assumption that the petitioners had consented to deposit certain amounts, whereas no such consent was ever given by the petitioners at any stage of the proceedings. He would submit that the affidavit relied upon by the learned Tribunal was merely an explanatory affidavit filed by the learned counsel explaining the circumstances relating to delay and personal difficulty, and the same could not have been construed as a binding consent on behalf of the petitioners. He would further submit that despite absence of any specific undertaking by the



petitioners, the learned Tribunal imposed onerous financial conditions and linked adjudication of the Securitisation Application with compliance of such conditions, thereby causing serious prejudice to the petitioners.

4. He would further submit that the learned Tribunal failed to consider the vital document i.e. the order sheet of the proceedings before the District Magistrate, which was specifically brought on record by the petitioners to demonstrate that no effective hearing had taken place and that the petitioners had no knowledge of the order dated 24.03.2025. He would argue that the issue relating to limitation and knowledge of the proceedings goes to the root of the matter, however, the learned Tribunal mechanically rejected the Review/Recall Application without considering the material documents and issues raised by the petitioners. He would further submit that the impugned orders suffer from non-application of mind, violation of principles of natural justice and jurisdictional error, as the learned Tribunal converted the adjudicatory proceedings into a recovery mechanism without deciding the legality of the action initiated against the petitioners, therefore, the impugned orders deserve to be set aside by this Hon'ble Court in exercise of jurisdiction under Article 227 of the Constitution of India.
5. I have heard learned counsel for the petitioners and perused the material annexed with the petition.



6. Having heard learned counsel for the petitioners at length and upon perusal of the material available on record, this Court is not persuaded to exercise its supervisory jurisdiction under Article 227 of the Constitution of India. The record would demonstrate that the petitioners have already availed the statutory remedy by filing Securitisation Application No. 538 of 2025 before the learned Debt Recovery Tribunal, Jabalpur, which is still pending adjudication. The impugned orders dated 03.07.2025 and 15.07.2025 are interlocutory orders passed by the learned Tribunal while considering the question of interim protection and condonation of delay, and the order dated 12.12.2025 has been passed while rejecting the Review/Recall Application preferred by the petitioners. Merely because the petitioners are aggrieved by the conditions imposed by the learned Tribunal or by the findings recorded therein, the same would not by itself justify interference under Article 227 of the Constitution of India unless a case of patent lack of jurisdiction, manifest perversity or gross failure of justice is made out.
7. The principal contention of the petitioners is that the learned Tribunal erroneously treated the affidavit filed by learned counsel as consent on behalf of the petitioners for deposit of certain amounts. However, from perusal of the impugned orders, it cannot be said that the learned Tribunal acted wholly without jurisdiction or in a manner unknown to law while passing the interim orders. Whether the affidavit filed by learned counsel could be construed



as consent and whether the petitioners had knowledge of the proceedings before the District Magistrate are all disputed questions which are intrinsically connected with the merits of the pending Securitisation Application and are matters to be adjudicated by the learned Tribunal itself on the basis of evidence and material available on record. This Court, in exercise of limited supervisory jurisdiction under Article 227 of the Constitution of India, would not enter into re-appreciation of such factual controversies as if sitting in appeal over the orders passed by the learned Tribunal.

8. This Court further finds that the petitioners had already availed the remedy of review before the learned Tribunal by filing I.A. No. 7813 of 2025 and the same has been considered and rejected by a reasoned order dated 12.12.2025. The contention regarding non-consideration of the District Magistrate's order sheet and the plea relating to limitation are also issues which remain open for consideration in the pending proceedings before the learned Tribunal. At this stage, it cannot be held that the petitioners have been rendered remediless or that the statutory proceedings stand concluded against them. The learned Tribunal is still seized of the matter and the petitioners are at liberty to raise all permissible grounds before the said forum.
9. So far as the challenge to the financial conditions imposed by the learned Tribunal is concerned, the same forms part of interim discretionary orders passed in the course of proceedings under



Section 17 of the SARFAESI Act. This Court does not find that the conditions imposed are so arbitrary or perverse so as to warrant interference under Article 227 of the Constitution of India. It is well settled that supervisory jurisdiction is to be exercised sparingly and only in cases of grave dereliction of duty or patent jurisdictional error. No such exceptional circumstance is made out in the present case.

10. Accordingly, finding no merit in the present petition, the same deserves to be and is hereby **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Alok