



2026:CGHC:4247



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HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 309 of 2025

- M/s. Radhe Marketing Through Its Proprietor Rohit Agrawal, S/o Shri Manish Agrawal, aged about 27 years, R/o House No. 5/207, Ramsagar Para, Rathore Chowk, Raipur, Distt. Raipur, Chhattisgarh.

... Petitioner(s)

versus

1 - Yes Bank Limited A Company Incorporated And Registered Under The Companies Act 1956 And A Banking Company Within The Meaning Of Section 5(C) Under The Banking Regulation Act 1949 And Banking Companies (Acquisition And Transfer Of Undertaking) Act, 1970 Having Its Registered Office At Yes Bank House Off Western Express Highway, Santacruz East Mumbai 400055 (Maharashtra) And Branch Office At A Yes Bank Limited, 4th Floor, Pujari Chambers, Near Pachpedi Naka, Raipur, Chhattisgarh Through Its Authorized Officer Shri K Ravi Kumar, S/o Shri K Jagga Raio, Aged About 46 Years, Occupation Senior Manager, Retail Collections, Yes Bank Limited.

2 - The Chief Judicial Magistrate District And Sessions Courts, Raipur, Distt. Raipur, Chhattisgarh.

3 - The Tehsildar Raipur, Distt. Raipur, Chhattisgarh.

4 - The Mal Jamadar Tehsil Raipur, Distt. Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner : Mr. Pankaj Singh, Advocate.

For Respondent No.1 :Mr. Rahul Rai, Advocate (through VC).

For Respondent Nos.3 & 4 : Mr. Shivam Mishra, Advocate.



Hon'ble Shri Arvind Kumar Verma, Judge

Order on Board

23.01.2026

1. Petitioner has filed this petition seeking review/recall of the order dated 23.07.2025 passed by this Court in W.P.(C) No. 3881/2025 **(Yes Bank Ltd. v. Chief Judicial Magistrate and Session Court, Raipur & Ors.)**. By the said order, this Court has disposed of the writ petition with a direction to Respondent No. 2-Tehsildar, Raipur to conclude the proceedings arising out of the order dated 07.12.2024 at the earliest preferably within a period of 60 days.
2. Learned counsel for petitioner contended that order dated 07.12.2024 has already challenged by the petitioner-M/s. Radhe Marketing (respondent No.4 in writ petition) before the Debt Recovery Tribunal (DRT), Jabalpur under Section 17 of the SARFAESI Act; pendency of such proceedings was not brought to the notice of this Court at the time of hearing of writ petition by counsel for the Bank on 23.07.2025, resulting direction for execution have been issued even though foundational order is under statutory challenge. Hence, it is prayed that order dated 23.07.2025 passed in W.P.(C) No.3881/2025 be reviewed/recalled.
3. At this stage, learned counsel for respondent No.1/Bank contended that pendency of such proceedings was brought to the notice of this Court at the time of hearing of writ petition on 23.07.2025. He further contended that he has drafted and filed the



writ petition as per the instruction of his client/bank.

4. Heard learned counsel for the parties and perused the writ petition (W.P.(C) No. 3881/2025) including the order dated 23.07.2025.
5. On perusal of writ petition and order dated 23.07.2025, it reveals that respondent/Bank has suppressed the fact that order dated 07.12.2024 has already challenged by the petitioner/M/s. Radhe Marketing (respondent No.4 in writ petition) before the Debt Recovery Tribunal (DRT), Jabalpur under Section 17 of the SARFAESI Act and matter is still pending before DRT. Without disclosing the said fact, writ petitioner (respondent No.1/Bank herein) has filed the writ petition before this Court and also obtained the above direction/order by this Court on 23.07.2025. Thus, it is evident that material facts were not placed before this Court at the time of hearing of writ petition on 23.07.2025. However, counsel for the respondent-Bank contended that writ petition was drafted and filed on the basis of instructions received from his client/Bank.
6. It is pertinent to mention herein that two parallel proceedings, one before the DRT and second before this Court is not maintainable.
7. In view of above circumstances, this Court considers it appropriate to review and recall the order dated 23.07.2025 passed in W.P.(C) No. 3881/2025.



8. Consequently, the present review petition is allowed and the order dated 23.07.2025 passed by this Court in W.P.(C) No.3881/2025 stands recalled.

CC as per rules.

Sd/-
(Arvind Kumar Verma)
Judge

J/-