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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI
&
HON'BLE SHRI JUSTICE GAJENDRA SINGH
ON THE 15th OF MAY, 2024**

WRIT PETITION No. 13266 of 2024

BETWEEN:-

**PRESTIGE FEED MILLS LTD. THROUGH ITS DIRECTOR
RAMESH JAIN S/O LATE SHRI NATHULALJI JAIN, AGED
ABOUT 70 YEARS, N-15, SAKET NAGAR, INDORE
(MADHYA PRADESH)**

....PETITIONER

(BY SHRI AKSHAT AGRAWAL, ADVOCATE)

AND

- 1. DEBTS RECOVERY TRIBUNAL THROUGH ITS
REGISTRAR H.NO. 797-II, SHANTIKUNJ SOUTH
CIVIL LINES, JABALPUR (MADHYA PRADESH)**
- 2. PIRAMAL CAPITAL AND HOUSING FINANCE LTD.
(FORMERLY KNOWN AS DEEWAN HOUSING
FINANCE LTD.) THROUGH ITS AUTHORIZED
OFFICER AIREN HEIGHTS SCHEME NO. 54, PU-3,
VIJAY NAGAR, INDORE (MADHYA PRADESH)**
- 3. SHRI SATISH CHANDRA GUPTA S/O LATE SHRI
BANKATLAL GUPTA, AGED ABOUT 69 YEARS, P2,
RUKMANI PLAZA, 14, PALASIA, A.B. ROAD, VTC
INDORE, PO - VIJAY NAGAR, INDORE (MADHYA
PRADESH)**
- 4. SMT. SANTOSH GUPTA W/O SHRI SATISH
CHANDRA GUPTA, AGED ABOUT 63 YEARS, P2,
RUKMANI PLAZA, 14, PALASIA, A.B. ROAD, VTC
INDORE, PO - VIJAY NAGAR, INDORE (MADHYA
PRADESH)**
- 5. LATE SHRI CHANDRAGUPTA GUPTA THROUGH
ITS LEGAL HEIR, SHRI SATISH CHANDRA GUPTA
S/O LATE SHRI BANKATLAL GUPTA, AGED ABOUT**

69 YEARS, P2, RUKMANI PLAZA, 14, PALASIA, A.B. ROAD, VTC INDORE, PO - VIJAY NAGAR, INDORE (MADHYA PRADESH)

6. LATE SHRI CHANDRAGUPTA GUPTA THROUGH ITS LEGAL HEIR SMT. SANTOSH GUPTA W/O SHRI SATISHCHANDRA GUTPA, AGED ABOUT 63 YEARS, P2, RUKMANI PLAZA, 14, PALASIA, A.B. ROAD, VTC INDORE, PO - VIJAY NAGAR, INDORE (MADHYA PRADESH)
7. M/S ANIL ENTERPRISES THROUGH ITS PARTNER SHRI SATISH CHANDRA GUTPA AND SMT. SANTOSH GUPTA 2/1, SOUTH TUKOGANJ, DISTRICT INDORE (MADHYA PRADESH)

....RESPONDENTS

(NONE)

.....
This petition coming on for admission this day, Justice Sushrut Arvind

Dharmadhikari passed the following:

ORDER

Heard on the question of admission.

This writ petition has been filed under Article 226 of the Constitution of India assailing the order dated 06.05.2024 passed in Securitization Application No. 148/2023 passed by the Presiding Officer DRT, Jabalpur.

2. The grievance of the petitioner is that in the earlier round of litigation in W.P. No. 5082/2023, this Court vide order dated 28.02.2023 had disposed of the writ petition by directing that till the applications filed by the petitioner who is respondent No. 2 in the Securitization Application are not heard, the Respondent No. 1 shall not cancel the confirmation dated 14.02.2023 and shall not forfeit the amount deposited by the petitioner till the next date of hearing before the DRT. It was also clarified that till the next date of hearing would mean that the applications are considered and decided.

3. Learned counsel for the petitioner contended that vide impugned order

dated 06.05.2024, the learned DRT in Para 30 came to the conclusion that the issues raised in I.A. No. 677/2023 dated 23.02.2023 and I.A. No. 3720/2023 dated 11.08.2023 shall be considered on merits at the time of final hearing of the Securitization Application but at the same time, the learned DRT in Para 31 has rejected both the I.As. He further stated that in view of the rejection of the I.As he being Respondent No. 2 if grievance cannot be considered at the time of final hearing.

4. Heard learned counsel for the petitioner and perused the record.

5. This Court finds force in the submissions made by the learned counsel for the petitioner. In the light of order passed by DRT in Para 30 of the order impugned dated 06.05.2024 the rejection of both the I.As as mentioned in Para 31 are hereby set aside. As a consequence, both the I.As stands restored to its original numbers which shall be considered at the time of final hearing as per Para 30 of the order impugned.

6. The aforesaid order be read in conjunction with order of W.P. No. 5082/2023 dated 28.02.2023.

Accordingly, this writ petition stands disposed of.

(S. A. DHARMADHIKARI)
JUDGE

Vatan

(GAJENDRA SINGH)
JUDGE