IN THE HIGH COURT OF MADHYA PRADESH, JABALPUR

BEFORE
SHRI JUSTICE SUJOY PAUL
&
SHRI JUSTICE PRAKASH CHANDRA GUPTA
ON THE 24th OF JUNE, 2022

WRIT PETITION NO. 13900 of 2022

BETWEEN :-

M/S SWAGATIKA IMPEX PVT. LTD. G-36 TOWER 2, FLOWER VALLEY OFFICE EASTERN EXPRESS HIGHWAY THANE (EAST) 400601 MUMBAI MAHARASTRA THROUGH AUTHORIZED SIGNATORY SHRI SAMIR KOTGIRWAR S/O LATE SHRI S.N. KOTGIRWAR R/O E-4/383 ARERA COLONY BHOPAL M.P.

…..**.PETITIONER**

(BY SHRI SHEKHAR SHARMA, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH SECRETARY DEPARTMENT OF REVENUE MANTRALAYA VALLABH BHAWAN BHOPAL M.P.

2. CHIEF MANAGER UCO BANK ASSET MANAGEMENT BRANCH FIRST FLOOR UCO BANK BUILDING B SECTOR PIPLANI BHOPAL 462021.

3. AUTHORIZED OFFICE UCO BANK ZONAL OFFICE ARERA HILLS BHOPAL M.P.

4. ADDITIONAL COMMISSIONER COMMERCIAL TAX DEPARTMENT MOTI NAGAR M.G. ROAD INDORE M.P.

5. DIVISIONAL DEPUTY COMMISSIONER COMMERCIAL TAX BHOPAL DIVISION M.P.

……..**RESPONDENTS**

(BY SHRI YOGESH DHANDE, GOVERNMENT ADVOCATE FOR THE STATE AND SHRI ATUL CHOUDHARY, COUNSEL FOR THE RESPONDENT NOS. 2 AND 3-BANK)

This writ petition coming on for hearing this day, ***Shri Justice Sujoy Paul,*** *passed the following :*

O R D E R (Oral)

Heard on admission.

2. In this petition filed under Article 226 of the Constitution, the petitioner has prayed for following reliefs :-

> *(i) This Hon'ble Court may kindly be pleased to call for the entire record pertaining to impugned order of the respondent bank.*
>
> *(ii) This Hon'ble Court may kindly be pleased to issue a writ in the nature of certiorari for quashing the paper publication dated 23.5.2022 published by the respondent No.3.*
>
> *(iii) This Hon'ble Court may kindly be please to allow any other relief, which this Court Hon'ble Court*

deemed just and proper in view of aforesaid submissions.

(Emphasis Supplied)

3. Shri Shekhar Sharma, learned counsel for the petitioner submits that the impugned auction notice dated 23.5.2022 (Annexure P/16) is issued under Section 13(4) of the **Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002** (in short, **'Securitisation Act'**) read with the relevant rules.

4. The learned counsel for the petitioner pursuant to a query urged that petitioner doesn't have remedy of approaching DRT by filing proceedings under Section 17 of the Securitisation Act.

5. Learned counsel for the petitioner by taking this Court to the order of previous round of litigation passed in W.P. No.7509/2013 (*UCO Bank vs. State of M.P.*) decided on 28.4.2022 urged that the impugned auction notice is issued with a view to circumvent this order of Division Bench dated 28.4.2022. The another query of the Court was that although it appears that the *lis* before this Court in W.P. No.7509/2013 was different and not related to the auction of the property, the petitioner can still raise this ground/point before the DRT by availing the alternative statutory remedy. Apart from above in W.P. No.7509/2013, liberty was given by this Court to the bank to take recourse of Securitisation Act. Shri Sharma,

learned counsel for the petitioner then placed reliance on another order of this Court in W.P. No.12623/2007 decided on 19.6.2012. It is seen that this Court order was also considered in the previous round on 28.4.2022 in W.P. No.7509/2013.

6. The next contention of Shri Shekhar Sharma, learned counsel for the petitioner is based on the language employed in Section 17 of the Securitization Act. He submits that the petitioner, a purchaser of the property, does not fall within the ambit of 'any person' as per Section 17(1) of the Securitization Act. In support of this contention, he placed reliance on **Standard Chartered Bank vs. Dharminder Bhohi (2013) 15 SCC 341.**

7. In nutshell, Shri Sharma submits that in view of the previous order dated 28.4.2022 passed in W.P. No.7509/2013, this petition may be entertained because DRT is not legally equipped and competent to pass appropriate orders to take care of the relief claimed.

8. The relief prayed for was carefully perused by this Court. A conjoint reading of sub-section (2), (3) and (4) of Section 17 of the Securitization Act shows that DRT is indeed competent to decide the validity of action of secured creditor taken under Section 13(2) and (4) of the Securitization Act.

9. At this stage after consuming about 45 minutes, Shri Sharma, learned counsel for the petitioner seeks to withdraw this petition with the liberty to approach the DRT. We were inclined to grant that innocuous relief prayed by Shri Shekhar Sharma, learned counsel for the petitioner. However, Shri Atul Choudhary, learned counsel for the Bank raised serious objection regarding withdrawal of this petition and on the liberty sought for on the ground that petition suffers from serious suppression of facts and in view of the conduct of petitioner, the petition deserves to be dismissed with cost.

10. Shri Atul Choudhary, learned counsel for the respondent submits that the private treaty between the petitioner and the Bank was cancelled on 14th September, 2007 pursuant to which petitioner got the ownership on the property in question. The petitioner filed S.A. No.200/2015 before DRT assailing the cancellation of the said treaty. The said S.A. is still pending before the DRT and the next date fixed is 10.10.2022.

11. The learned counsel for the Bank further submits that petitioner approached this Court in W.P. No.18389 of 2012 assailing the action of Commercial Tax Department *as well as the similar auction proceedings initiated by the Bank.* The petition was listed before the Division Bench on 13.01.2015. The same counsel represented the petitioner. This Court

declined interference and permitted the petitioner to avail the statutory remedy under Section 17 of the Securitisation Act. The relevant portion of the order dated 13.01.2015 was read out.

12. It is further pointed out that in para-2 of the present writ petition, the petitioner was required to disclose about all previous rounds of litigation filed before any legal forum with utmost clarity. The petitioner was also required to file the relevant order which was outcome of any such proceeding. The petitioner has given an incorrect, incomplete and improper declaration in para-2 of the petition. In view of conduct of petitioner, the petition deserves to be dismissed with cost.

13. Shri Shekhar Sharma, learned counsel for the petitioner to counter this in rejoinder submissions urged that there is no suppression of fact on behalf of the petitioner. Shri Sharma, by placing reliance on an additional reply to the writ petition filed on behalf of respondent No.3 (petitioner of present case) in W.P. No.7509/2013 urged that petitioner has mentioned the factum of filing earlier petition W.P. No.18389 of 2012 in that additional reply. It is further pointed out that petitioner also disclosed the factum of filing of SA No.200/2015 which is pending consideration before the DRT in para-7 of the said additional reply.

14. No other point was pressed by the parties.

15. We have heard the parties in sufficient length. This is trite that a litigant must approach the Court with clean hands, clean heart, clean mind and clean objective. This is settled that if a litigant has approached the court with a pair of dirty hands, the petition may be dismissed on this count alone. In other words, the petitioner does not have any right whatsoever to get a hearing on merits from this Court because of such conduct of suppression of material fact. Apart from this, contempt proceedings can also be initiated for suppression of facts. In ***Udyami Evam Khadi Gramodyog Welfare Sanstha v. State of Uttar Pradesh,* (2008) 1 SCC 560,** the Apex Court held as under in para 16:-

> "16. A writ remedy is an equitable one. A person approaching a superior court must come with a pair of clean hands. It not only should not suppress any material fact, but also should not take recourse to the legal proceedings over and over again which amounts to abuse of the process of law. In *Advocate General, State of Bihar v. M.P. Khair Industries* this Court was of the opinion that such a repeated filing of writ petitions amounts to criminal contempt.
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> **In *K.D. Sharma v. Steel Authority of India Limited*, (2008) 12 SCC 481, the Apex Court held as under :-**
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> 33. The learned counsel for SAIL is also right in urging that the appellant has not approached the Court with clean hands by disclosing all facts. An impression is sought to be created as if no notice was ever given to him nor was he informed about the consideration of cases of eligible and qualified bidders in pursuance of the order passed by the High Court in review and confirmed by this

Court. The true facts, however, were just contrary to what was sought to be placed before the Court. A notice was issued by SAIL to the appellant, he received the notice, intimated in writing to SAIL that he had authorised Ramesh of Rithwik Projects to appear on his behalf. Ramesh duly appeared at the time of consideration of bids. Bid of Respondent 2 was found to be lowest and was accepted and the contract was given to him (under Tender Notice 4). The said contract had nothing to do with Tender Notice 5 and the contract thereunder had been given to the appellant herein and he had completed the work. Thus, it is clear that the appellant had not placed all the facts before the Court clearly, candidly and frankly.

34. The jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, put forward all the facts before the court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the court, his petition may be dismissed at the threshold without considering the merits of the claim.

35. The underlying object has been succinctly stated by **Scrutton, L.J., in the leading case of *R. V. Kensington Income Tax Commrs* in the following words: (KB p. 514)**

"… it has been for many years the rule of the court, and one which it is of the greatest importance to maintain, that when an applicant comes to the court to obtain relief on an ex parte statement he should make a full and fair disclosure of all the material facts—it says facts, not law. He must not misstate the law if he can help it—the court is supposed to know the law. But it knows nothing about the facts, and the applicant must state fully and fairly the facts;

and the penalty by which the court enforces that obligation is that if it finds out that the facts have not been fully and fairly stated to it, the court will set aside any action which it has taken on the faith of the imperfect statement."

(emphasis supplied)

36. A prerogative remedy is not a matter of course. While exercising extraordinary power a writ court would certainly bear in mind the conduct of the party who invokes the jurisdiction of the court. If the applicant makes a false statement or suppresses material fact or attempts to mislead the court, the court may dismiss the action on that ground alone and may refuse to enter into the merits of the case by stating, *"We will not listen to your application because of what you have done."* The rule has been evolved in the larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it.

37. **In *Kensington Income Tax Commrs*. Viscount Reading, C.J. observed: (KB pp. 495-96)**

"… Where an ex parte application has been made to this Court for a rule nisi or other process, if the Court comes to the conclusion that the affidavit in support of the application was not candid and did not fairly state the facts, but stated them in such a way as to mislead the Court as to the true facts, the Court ought, for its own protection and to prevent an abuse of its process, to refuse to proceed any further with the examination of the merits. This is a power inherent in the Court, but one which should only be used in cases which bring conviction to the mind of the Court that it has been deceived. Before coming to this conclusion a careful examination will be made of the facts as they are and as they have been stated in the applicant's affidavit, and everything will be heard that can be urged to influence the view of the Court when it reads the affidavit and knows the true facts. But if the result of this examination and hearing is to leave no doubt that the Court has been deceived, then it will refuse to hear anything further from the applicant in a proceeding which

has only been set in motion by means of a misleading affidavit."

(emphasis supplied)

38. The above principles have been accepted in our legal system also. As per settled law, the party who invokes the extraordinary jurisdiction of this Court under Article 32 or of a High Court under Article 226 of the Constitution is supposed to be truthful, frank and open. He must disclose all material facts without any reservation even if they are against him. He cannot be allowed to play "hide and seek" or to "pick and choose" the facts he likes to disclose and to suppress (keep back) or not to disclose (conceal) other facts. The very basis of the writ jurisdiction rests in disclosure of true and complete (correct) facts. If material facts are suppressed or distorted, the very functioning of writ courts and exercise would become impossible. The petitioner must disclose all the facts having a bearing on the relief sought without any qualification. This is because "the court knows law but not facts".

39. If the primary object as highlighted in *Kensington Income Tax Commrs*. is kept in mind, an applicant who does not come with candid facts and "clean breast" cannot hold a writ of the court with "soiled hands". Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction. If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the court, the court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. **If the court does not reject the petition on that ground, the court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court."**

17. It is held that suppression or concealment of material facts is not even an advocacy. After taking note of various Supreme Court judgments on the subject, the Apex Court opined as under in para 51:-

51. Yet in another case in ***Vijay Syal v. State of Punjab*****, this Court stated: (SCC p. 420, para 24)**

"24. In order to sustain and maintain the sanctity and solemnity of the proceedings in law courts it is necessary that parties should not make false or knowingly, inaccurate statements or misrepresentation and/or should not conceal material facts with a design to gain some advantage or benefit at the hands of the court, when a court is considered as a place where truth and justice are the solemn pursuits. If any party attempts to pollute such a place by adopting recourse to make misrepresentation and is concealing material facts it does so at its risk and cost. Such party must be ready to take the consequences that follow on account of its own making. At times lenient or liberal or generous treatment by courts in dealing with such matters is either mistaken or lightly taken instead of learning a proper lesson. Hence there is a compelling need to take a serious view in such matters to ensure expected purity and grace in the administration of justice."

In ***Dalip Singh v. State of Uttar Pradesh and others*****, (2010) 2 SCC 114,** the Apex Court held in para 7 as under :-

7. In *Prestige Lights Ltd. v. SBI* it was held that in exercising power under Article 226 of the Constitution of India the High Court is not just a court of law, but is also a court of equity and a person who invokes the High Court's jurisdiction under Article 226 of the Constitution is duty-bound to place all the facts before the Court without any reservation. If there is suppression of material facts or twisted facts have been placed before the High Court then it will be fully justified in refusing to entertain a petition filed under Article 226 of the Constitution. This Court referred to the judgment of **Scrutton, L.J. in *R. v. Kensington Income Tax Commissioners,* and observed: (Prestige Lights Ltd. case, SCC p. 462**, para 35)

In exercising jurisdiction under Article 226 of the Constitution, the High Court will always keep in mind the conduct of the party who is invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the court, then the Court may dismiss the action without adjudicating the matter on merits. The rule has been

evolved in larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it. The very basis of the writ jurisdiction rests in disclosure of true, complete and correct facts. If the material facts are not candidly stated or are suppressed or are distorted, the very functioning of the writ courts would become impossible.

In ***Manohar Lal (Dead) By Lrs. v. Ugrasen,*** **(2010) 11 SCC 557,** the Apex Court held in para 48 as under :-

48. The present appellants had also not disclosed that land allotted to them falls in commercial area. When a person approaches a court of equity in exercise of its extraordinary jurisdiction under Articles 226/227 of the Constitution, he should approach the court not only with clean hands but also with clean mind, clean heart and clean objective. "Equally, the judicial process should never become an instrument of oppression or abuse or a means in the process of the court to subvert justice." Who seeks equity must do equity. The legal maxim *"Jure naturae aequum est neminem cum alterius detrimento et injuria fieri locupletiorem"*, means that it is a law of nature that one should not be enriched by the loss or injury to another. (*Vide Ramjas Foundation v. Union of India, K.R. Srinivas v. R.M. Premchand and Noorduddin v. Dr. K.L. Anand* at SCC p. 249, para 9.)

18. In paragraph 53 of this judgment, the Apex Court held that in this kind of cases, the proceedings for criminal contempt can be initiated.

19. **In *State of Madhya Pradesh v. Narmada Bachao Andolan and another*, (2011) 7 SCC 639**, the Apex Court in para 164 held that it is a settled proposition of law that a false statement made in the Court or in the pleadings intentionally to mislead the Court and obtains favourable order amounts to criminal contempt.

20. In the present case as stated above, it is clear that petitioner has suppressed material facts from this Court. He was obliged to state full facts including the fact about his participation in the proceedings before the Election Tribunal. The petitioner even did not comply with the order of this Court to file an affidavit in a specific manner stated above in para 7 of this order. Thus, an adverse

inference is drawn against the petitioner which means he has not deliberately disclosed the real facts because those facts are against him. The conduct of the petitioner cannot be appreciated. He suppressed the material facts and misled the Court by suppressing necessary, important and full facts.

21. In a catena of judgments including ***Prestige Lights Ltd. v. State Bank of India,*** **(2007) 8 SCC 449**, the Apex Court held in para 35 as under :-

35. It is well settled that a prerogative remedy is not a matter of course. In exercising extraordinary power, therefore, a writ court will indeed bear in mind the conduct of the party who is invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the court, the court may dismiss the action without adjudicating the matter. The rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it. The very basis of the writ jurisdiction rests in disclosure of true, complete and correct facts. If the material facts are not candidly stated or are suppressed or are distorted, the very functioning of the writ courts would become impossible.

16. On the basis of said Supreme Court judgments, following principles may be culled out :-

(i) A writ remedy is an equitable one. While exercising extraordinary power a Writ Court certainly bear in mind the conduct of the party who invokes the jurisdiction of the Court.

(ii) Litigant before the Writ Court must come with clean hands, clean heart, clean mind and clean objective. He should disclose all facts without suppressing anything. Litigant cannot be allowed to play “hide and seek” or to “pick and choose” the facts he likes to disclose and to suppress (keep back)/ conceal other facts.

(iii) Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation which has no place in equitable and prerogative jurisdiction.

> (iv) If litigant does not disclose all the material facts fairly and truly or states them in a distorted manner and misleads the Court, the Court has inherent power to refuse to proceed further with the examination of the case on merits. If Court does not reject the petition on that ground, the Court would be failing in its duty.
>
> (v) Such a litigant requires to be dealt with for Contempt of Court for abusing the process of the Court.
>
> (vi) There is a compelling need to take a serious view in such matters to ensure purity and grace in the administration of justice.
>
> (vii) The litigation in the Court of law is not a game of chess.
>
> The Court is bound to see the conduct of party who is invoking such jurisdiction."

17. A plain reading of principles culled out and reproduced hereinabove, makes it clear that the litigant has to approach the court by furnishing all essential information regarding previous rounds of litigation.

18. The prescribed format of writ petition as per M.P. High Court Rules, 2008 and tampering with it by the petitioner in the writ petition can be gathered if both are read in juxtaposition.

High Court Rules	**Para-2 of the Petition**
2. A declaration that no proceeding on the same subject matter has been previously instituted in any Court, Authority or Tribunal. If instituted, the status or result thereof,	**2. A declaration that no proceeding on the same subject matter has been previously instituted in any court, authority or Tribunal.**

along with copy of the order :	

19. The declaration which has been given by the petitioner in para-2 reads as under :-

> "The petitioner declares that the matter regarding which this petition has been made is not pending in any court, authority or tribunal."

20. A plain reading of requirement of declaration as per High Court Rules leaves no room for any doubt that petitioner was required to disclose about previously instituted proceedings relating to same subject matter instituted before any Court, Authority and Tribunal. This disclosure is essential in para-2 of the petition and in addition, it can be disclosed in remaining portion of the body of petition. Pertinently, neither in para-2 of petition nor in the entire body of writ petition, petitioner has chosen to disclose about filing of W.P. No.18389/2012. In addition, as per the requirement of para-2 of prescribed format, petitioner was required to file the relevant order to show the outcome of previously instituted litigation. Sadly, reliance is placed on an additional reply filed in a different litigation i.e. W.P. No.7509/2013. That disclosure, in a reply filed in a previous matter, by no stretch of imagination can serve the requirement of declaration about the previous round of litigation in the present writ petition.

21. The Apex Court in **(2013) 11 SCC 531 Bhaskar Laxman Jadhav and others vs. Karamveer Kakasaheb Wagh Education Society and others** opined that :-

> **"47.** A mere reference to the order dated 2-5-2003, en passant, in the order dated 24-7-2006 does not serve the requirement of disclosure. It is not for the court to look into every word of the pleadings, documents and annexures to fish out a fact. It is for the litigant to come upfront and clean with all material facts and then, on the basis of the submissions made by the learned counsel, leave it to the court to determine whether or not a particular fact is relevant for arriving at a decision. Unfortunately, the petitioners have not done this and must suffer the consequence thereof."
>
> [Emphasis Supplied]

22. The Delhi High Court in **Edelweiss Asset Reconstruction Company Limited vs. GTL Infrastructure Limited and Another 2020 SCC Online Del 2081** and this Court in **Sushma Singh Vs. the State of Madhya Pradesh 2018 SCC Online MP 231** have taken the same view. This Court held that :-

> "5. In the considered opinion of this Court, the subject matter of present petition is squarely same and connected with earlier round of litigation i.e. W.P. No.3039/2014. Thus, the petitioner should have disclosed this fact in para 2 of the petition. When petitioner's counsel was confronted with this fact, unfortunately, no regret is shown nor any prayer was made to amend this petition. This is trite law that the litigant should approach the Court

> with clean hands, clean mind and clean heart. In the present days of huge pendency, when 150-200 matters are listed every day, **it is sometimes difficult for the judges to read the cases from cover to cover.** In order to control the menace of suppression of fact or non disclosure of fact, and in order to save time, the statutory format of petition is prescribed in High Court Rules. This rules makes obligatory for the litigants to disclose in the relevant paragraph whether any litigation on the same subject was earlier filed. **The litigant is also obliged to disclose the outcome of that litigation and is required to file the relevant order.** Petitioner has deliberately suppressed his fact in paragraph 2 although disclosed it in a different paragraph."
>
> [Emphasis Supplied]

23. In our view, since learned counsel in the previous rounds of litigation and in this litigation is same, it was all the more necessary and obligatory on the part of the petitioner to disclose the entire facts and history of previous rounds of litigation with accuracy and precision. We may hasten to add with pains that when repeatedly question arose during admission hearing of this matter regarding availability of alternative remedy, Shri Shekhar Sharma did not apprise us that for the very same question relating to Auction notice of same property, he approached this Court in W.P. No.18389/2012 and this Court declined interference under Article 226 of the Constitution because of availability of alternative

statutory remedy. The relevant portion of said order reads thus :-

> *"Even though Shri Shekhar Sharma, learned counsel for the petitioner has tried to emphasize that the remedy available under section 17 and 18 of the Act of 2002 is not a efficacious remedy, but we are of the considered view that as the action taken in the matter is nothing but one under Section 13 read with section 14 of the Act of 2002. There is a statutory remedy of appeal available under Section 17 before the Debt Recovery Tribunal and thereafter further appeal to the Appellate Tribunal under Section 18,* ***all the disputes between the parties arising out of these proceedings have to be agitated and resolved in these statutory proceedings and it is not appropriate for this court to exercise under Article 226 of the Constitution of India to interfere*** *when a statutory Tribunal has jurisdiction to deal with the matter.*
>
> *The issue with regard to refund of amount paid by the petitioner to the Commercial Tax Department is also kept open to be agitated before an appropriate forum.*
>
> *Accordingly, finding existence of statutory remedy of appeal as indicated hereinabove, this petition stands dismissed.*
>
> *C.c. as per rules."*
>
> **[Emphasis Supplied]**

Thus, we are unable to agree with learned counsel for the petitioner that suppression is a bonafide mistake on the part of the petitioner.

24. In view of this conduct of petitioner, a sizable amount of precious time of court is being wasted. We deem it proper to observe that suppression of facts cannot be termed as 'advocacy'. If a litigant

discloses all the facts correctly and then able to convince the court, it can be treated as skill of advocacy. The litigation is neither a game of chess nor a hide and seek game but a search for truth and parties must place their cards on the table [**See: Vatal Nagaraj v. R. Dayanand Sagar, (1975) 4 SCC 127].**

25. In view of suppression of facts and conduct of petitioner, we deem it proper to dismiss this petition with exemplary cost. We quantify the cost as **Rs.50,000/- (Rupees Fifty Thousand Only)**. The said cost shall be deposited before the Secretary, State Legal Services Authority, Jabalpur within 30 days from today failing which the said authority shall apprise the court regarding non-compliance of the order. However, we are not inclined to make the petitioner remediless and, therefore, deem it proper to reserve liberty to approach the Debt Recovery Tribunal against the impugned auction notice, (Annexure P/16). The petition is **dismissed** with **cost** by reserving aforesaid liberty.

(SUJOY PAUL)
JUDGE

(PRAKASH CHANDRA GUPTA)
JUDGE

ahd/pk/bks