

Appeal Dy. No. 541/2025

Date: 04.06.2025

Suresh Prasad Chaubey Vs. Aryavart Bank

Present: Shri Alok Rai, counsel for the appellant,
Shri Pawan Kumar Mishra, counsel for the respondent-Bank,

Heard the learned counsels for the parties.

The present appeal has been filed under section 18 of the SARFAESI Act against the interim order dated 04.04.2025 passed by the Tribunal below in S.A. No. 268/2025, whereby the interim relief sought by the appellant has been declined on the ground of non-challenge of the order passed by the authority under section 14 of the SARFAESI Act.

It is contended by the learned counsel for the appellant that the loan was granted under the state government sponsored scheme, which is not covered under the definition of debt under section 2(g) of the RDB Act, therefore, the proceeding under the SARFAESI Act initiated by the Bank is not maintainable. The learned counsel further submits that the SDM, Robertsganj, Sonbhadra has issued a notice dated 16.05.2025 for vacating the secured asset till 05.06.2025, otherwise the possession will be taken on 09.06.2025 forcefully. It is therefore prayed that the interest of the appellant may be protected.

After hearing the learned counsel for the appellant and considering the facts and circumstances of the case, there is remedy available to the appellant by filing an appropriate application for seeking relief against the aforesaid notice dated 16.05.2025 issued by the District Authority in the securitization application, which is stated to be pending. If any such application is filed by the appellant before the

Tribunal below, the same shall be considered and decided on the same day or within a week thereafter.

In view of the above, the present appeal is finally disposed off.

Justice R. D. Khare
Chairperson

Anupam