



2026:CGHC:27416

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 177 of 2026

- 1 - M/s. Mahamaya Vaccine Through Proprietor, Phanindra Mishra, S/o Late Mool Chand Mishra, Aged About 54 Years, R/o. Near Shiv Mandir, Vidya Upnagar, Diprapara, Bilaspur, District- Bilaspur (C.G.)
- 2 - Jyoti Mishra W/o Phanindra Mishra Aged About 47 Years R/o Near Shiv Mandir, Vidya Upnagar, Diprapara, Bilaspur, District- Bilaspur (C.G.)
- 3 - Syama Devi Mishra W/o Late Mool Chand Mishra Aged About 85 Years R/o Near Shiv Mandir, Vidya Upnagar, Diprapara, Bilaspur, District- Bilaspur (C.G.)
- ... Petitioners.

-versus-

- 1 - State Of Chhattisgarh Through Secretary Revenue And Disaster Management Department, Atal Nagar, Mahanadi Bhawan, Raipur, District Raipur C.G. (Respondent No. 1)
- 2 - The Collector - Cum - District Magistrate Bilaspur, District Bilaspur C.G. (Respondent No. 02)
- 3 - The Tehsildar Bilaspur, District - Bilaspur C.G. (Respondent No. 03)
- 4 - The Superintendent Of Police Bilaspur, District- Bilaspur C.G. (Respondent No. 04)
- 5 - The Sub Divisional Magistrate Bilaspur, District - Bilaspur C.G. (Respondent No. 05)
- 6 - Bank Of India Through Authorised Officer, Shri Suraj Kumar, S/o Shri Kamlesh Prasad, Aged About 40 Years, Office At - Arb, Bank Of India, Naya Raipur, District Raipur, C.G.
- 7 - Vatsala Tiwari C/o Apurwa Tiwari R/o Ward No. 30, Karbala Road, Juna Bilaspur, District Bilaspur, Chhattisgarh (Respondent No. 09)
- ... Respondents.

(cause title downloaded from CIS Periphery)

For Petitioners	:	Ms. Shivangi Agrawal, Advocate.
For Res No.1 to 5	:	Mr. Dilman Rati Minj, Dy. AG with Mr. Ujjwal Choubey, PL.
For Res No.6	:	Mr. Saket Pandey, Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

03/07/2026

1. Although the name of Mr. Saket Pandey, Advocate for Respondent No.6/Bank, is not published in the cause list, however he submits that he has received an advance copy of the review petition. Hence, he accepts notice on behalf of Respondent No.6.
2. This Review Petition has been filed seeking the recall/review of the order dated 27.02.2026 passed by this Court in WPC No.904/2026 (Bank of India Vs. State of CG and others).
3. Facts of the case, in brief, are that the applicants borrowed money from the Respondent Bank but could not repay the loan amount within time. Consequently, the loan account was declared as Non-Performing Asset (NPA). Pursuant to this declaration, proceedings were initiated against the applicants under Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (abbreviated as "**Act 2002**"). Subsequently, the Respondent Bank filed an application under Section 14 of the Act 2002 before the District Magistrate, Bilaspur, who passed an order dated 23.01.2025 directing the Tahsildar, Bilaspur, to assist in handing over possession of the mortgaged property to the Respondent Bank. Since the order of the District Magistrate was not complied with, the Respondent Bank filed WPC No.5041/2025 (Bank of India Vs. State of CG and others). This writ petition was disposed of by the Coordinate Bench on 24.09.2025, directing the Tahsildar and Sub-Divisional Magistrate to comply with the aforementioned order dated 23.01.2025.

4. Subsequently, the applicants herein filed Review Petition No.26/2026 (M/s Mahamaya Vaccine and others Vs. State of CG and others) seeking the recall of the order dated 24.09.2025 passed in WPC No.5041/2025. Vide order dated 28.01.2026, the applicants' Review Petition was allowed, and the order dated 24.09.2025 was recalled. Consequently, WPC No.5041/2025 was restored and listed again on 19.02.2026. On that date, upon a prayer made by the petitioner therein, the writ petition of the Respondent Bank (the petitioner therein) was dismissed as withdrawn with liberty to file a fresh petition in accordance with the law.
5. Thereafter, the Respondent Bank filed a fresh writ petition, WPC No.904/2026 (Bank of India Vs. State of CG and others). Vide the impugned order dated 27.02.2026, this Court directed Respondents No.3 and 5 (Tahsildar, Bilaspur, and Sub-Divisional Magistrate, Bilaspur) to take steps in accordance with the law on an application dated 30.10.2025 (Annexure-P/2) filed by the Respondent Bank for the grant of possession of the secured assets in compliance with the order dated 23.01.2025 passed by the District Magistrate, Bilaspur. Aggrieved by this order, the present Review Petition has been filed.
6. Learned counsel for the applicants submits that the action of the Respondent Bank is illegal and bad in law, as the Bank filed a fresh writ petition (WPC No.904/2026) based on the exact same cause of action and the old execution application. She further submits that this was done without disclosing material facts, solely to bypass the Court's earlier review order dated 28.01.2026. She further submits that the Respondent Bank concealed material facts and made vague pleadings in the earlier writ petition to obtain the order dated 27.02.2026, in which the applicants were also not

represented. Furthermore, she submits that since the order dated 24.09.2025 passed in WPC No.5041/2025 had already been recalled by this Court vide the order dated 28.01.2026, the subsequent writ petition filed by the Respondent Bank is not maintainable, and the order dated 27.02.2026 must be recalled.

7. Learned counsel for the Respondent Bank submits that although the order dated 24.09.2025 passed by the Coordinate Bench in WPC No.5041/2025 was recalled in Review Petition No.26/2026, but after its restoration, the writ petition was subsequently withdrawn on 19.02.2026. Thereafter, WPC No.904/2026 was filed by the Respondent Bank. However, counsel for the Respondent Bank fairly admits that the applicants/borrowers have preferred an application under Section 17(1) of the Act 2002 before the Debts Recovery Tribunal, Jabalpur, challenging the order dated 23.01.2025 passed by the District Magistrate, Bilaspur, as well as the demand and possession notices issued to the applicants under Section 13(2) and Rule 8(1) of the Act 2002 and its Rules.
8. Learned State counsel submits that the State was a formal party, however, the State is bound to comply with the order passed by this Court.
9. Heard the learned counsel for the parties and perused the material placed on record with the utmost circumspection.
10. Perusal of Annexure-P/3, which is an application filed by the applicants/borrowers under Section 17(1) of the Act 2002 (SA No.204/2025) before the Debts Recovery Tribunal, Jabalpur, shows that they have already challenged the order dated 23.01.2025 passed by the District Magistrate, Bilaspur, along with the demand and possession notices issued to them.

11. During the course of the hearing, it was also informed at the Bar that the said case is still pending consideration before the Debts Recovery Tribunal, Jabalpur. The applicants have also filed various order sheets of the learned Tribunal, which show that the case is actively being listed before it for hearing.
12. Furthermore, when WPC No.5041/2025 filed by the Respondent Bank was listed on 24.09.2025 before the Coordinate Bench, the case was disposed of with a direction to the Tahsildar and Sub-Divisional Magistrate, Bilaspur, to comply with the order dated 23.01.2025 passed by the District Magistrate, Bilaspur. That disposal order was subsequently recalled in Review Petition No.26/2026 vide an order dated 28.01.2026, wherein the following order was passed:-

"5. On perusal of writ petition and order dated 24.09.2025, it reveals that respondent/Bank has suppressed the fact that order dated 23.01.2025 has already challenged by the petitioners herein before the Debt Recovery Tribunal (DRT), Jabalpur under Section 17 of the SARFAESI Act and the matter/second appeal is still pending before DRT. Without disclosing the said fact, writ petitioner (respondent No.6/Bank herein) has filed the writ petition before this Court and also obtained the above direction/order by this Court on 24.09.2025. Thus, it is evident that material facts were not placed before this Court at the time of hearing of writ petition on 24.09.2025. 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 24.09.2025 passed in W.P.(C) No. 5041/2025.

8. Consequently, the present review petition is allowed and the order dated 24.09.2025 passed by this Court in W.P.(C) No.5041/2025 stands recalled."

13. In the aforesaid order of the Review Petition, the Coordinate Bench took into consideration the pendency of SA No.204/2025 before the Debts Recovery Tribunal, Jabalpur, and specifically observed that two parallel proceedings one before the DRT and the second before this Court are not maintainable. Moreover, after the restoration of the original writ petition (WPC No.5041/2025), the Respondent Bank (the petitioner therein) withdrew the petition with liberty to file afresh. However, such liberty cannot be termed as filing the writ petition (i.e., WPC No.904/2026) for the same relief, especially when it had already been observed by the Coordinate Bench while passing the order in the aforementioned Review Petition that parallel proceedings are not maintainable. Nevertheless, without disclosing the material and relevant facts regarding the earlier order dated 24.09.2025 passed in WPC No.5041/2025 and the recall order dated 28.01.2026 passed by the Coordinate Bench in Review Petition No.26/2026, the Respondent Bank filed WPC No.904/2026 and obtained the order dated 27.02.2026.
14. Under such circumstances, since clear and material facts were not pleaded by the Respondent Bank (the petitioner therein) in the writ petition (WPC No.904/2026), the subsequent impugned order dated 27.02.2026 passed by this Court is not sustainable and cannot be maintained, particularly considering the settled position that parallel proceedings before the DRT and

the High Court are not maintainable. Consequently, this Court is inclined to recall the order dated 27.02.2026.

15. Accordingly, the order dated 27.02.2026 is recalled. The Registry is directed to restore WPC No.904/2026 and list the case on 10.07.2026 before the appropriate Bench. Both learned counsel for the parties shall remain present before the concerned Bench/Court on the next date of hearing.
16. The Review Petition is allowed.
17. Pending applications, if any, stand disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Ajay