

IN THE HON'BLE DEBTS RECOVERY TRIBUNAL AT
AURANAGABAD
INTERIEM APPLICATION NO OF 2023
IN
SECURITIZATION APPLICATION NO 73 OF 2016

Osiya Builders APPLICANT

VERSUS

State Bank of India DEFENDANTS

Application on behalf of Respondent Bank for recalling of order dated 08/03/2021 of cost passed issued by this Hon'ble Tribunal is as under:

1. Applicant submits that, present matter is filed by the alleged developer challenging the SRFAESI action initiated by the Bank against the immovable properties mortgaged by the Ketal shah and co.
2. Applicant Submits that, in the above mentioned matter Advocate was appointed and then after covid 19 pandemic was came, due to same no one was in contacted with the Advocate because of lockdown, however then after earlier advocate has depanelled, therefore matter was reallocated to the new advocate, but when matter was reallocated that time stamp on the Vakalatnama was not affixed therefore it was send by post to the Advocate,
3. Applicant submits that, then new Advocate appointed by the Bank has suffered from COVID 19 and he was admitted in the Hospital on 25 Feb 2021 and he was discharge after 10 to 11 days later, therefore



he could not attend the matter and could not file Vakalatnama in the matter.

4 Applicant submits that, after the order applicant Advocate has appeared and therefore he could get knowledge about order therefore there is some delay which is not intentional and we tender apology for not complying the order passed by this Hon'ble tribunal also Advocate is tendering the unconditional apology, therefore considering the genuine difficulty and facts and circumstances mentioned herein above it is necessary in the interest of Justice to recall the order and cost of Rs 10,000/- may kindly waive in the interest of justice and oblige.

It is therefore prayed that,

- A) Application may kindly be allowed
- B) Order dated 08/03/2023 may kindly be recall and cost imposed on Bank may kindly be Waive and oblige.
- C) Any other suitable prayer this Hon'ble Tribunal may kindly be passed in favor Applicant which this Hon'ble Tribunal may deem fit.

Hence This Application

Date: 18/10/2023

Place: Aurangabad

Arun V Rakh
Advocate



VERIFICATION

I, Pranesh Joshi-, Age: 44 years, Authorized officer of State Bank of India SAM Branch- II, Mumbai, do hereby state on solemn affirmation that the contents of above mentioned Application from Para no.1 to 4 are read over and explained to me in vernacular language and the same are true and correct to the best of my own knowledge and belief.

Hence verified at Aurangabad on 18th day of October of 2023.

Identified &
Explained by



(Advocate)