

GAHC010042892024



**THE GAUHATI HIGH COURT  
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/1168/2024**

1: PINKU GOGOI AND ANR

SON OF LATE HANDESWAR GOGOI, RESIDENT OF GELLAPUKHURI ROAD,  
P.O.- TINSUKIA, P.S.-TINSUKIA, DISTRICT- TINSUKIA, PIN- 786125, ASSAM.

2: PINKI GOGOI

WIFE OF SRI PINKU GOGOI RESIDENT OF GELLAPUKHURI ROAD  
P.O.- TINSUKIA P.S.-TINSUKIA DISTRICT- TINSUKIA PIN- 786125 ASSAM

VERSUS

1: THE UNION BANK OF INDIA AND 4 ORS REPRESENTED BY ITS  
MANAGING DIRECTOR AND CHIEF EXECUTIVE OFFICER AND HAVING  
ITS REGISTERED OFFICE AT UNION BANK BHAVAN, 239, VIDHAN BHAVAN  
MARG, NARIMAN POINT, MUMBAI, PIN- 400021, MAHARASHTRA.

2:THE REGIONAL HEAD REGIONAL OFFICE JORHAT UNION BANK OF  
INDIA DOHA BORAH CHUK JORHAT PIN- 785001 DISTRICT- JORHAT  
ASSAM.

3:THE BRANCH MANAGER TINSUKIA BRANCH UNION BANK OF INDIA  
S.R. LOHIA ROAD TINSUKIA PIN- 786125 DISTRICT- TINSUKIA ASSAM.

4:THE CHIEF MANAGER AND AUTHORISED OFFICER TINSUKIA BRANCH  
UNION BANK OF INDIA S.R. LOHIA ROAD TINSUKIA PIN- 786125  
DISTRICT- TINSUKIA ASSAM.

5:NABAJYOTI GOGOI

SON OF SRI ANIL GOGOI RESIDENT OF KAKORATOLI GAON  
P.O.- BORGURI DISTRICT- TINSUKIA PIN- 786126 ASSAM

**For the Petitioner(s)** : Mr. S. Banik, Advocate.  
Mr. B. Choudhury, Advocate.

**For the Respondent(s)** : Mr. M. Sharma, Standing Counsel, Union Bank of India for respondent  
Nos.1 to 4.

**- B E F O R E -**  
**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI**  
**HON'BLE MR. JUSTICE SUMAN SHYAM**

**01.03.2024**

*(Vijay Bishnoi, CJ)*

This writ petition is filed by the petitioners being aggrieved with the action of the respondent Bank initiated under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as "SARFAESI Act").

Having heard the learned counsel for the petitioners as well as the counsel for the respondents, we are of the view that the petitioners are having an alternate and efficacious remedy to approach the Debts Recovery Tribunal under Section 17 of the SARFAESI Act.

Mr. S. Banik, learned counsel for the petitioners has submitted that the respondent Bank authorities have not conducted the valuation of the property in question in accordance with law.

Having considered the same, we deem it proper to grant liberty to the petitioners to raise the question regarding the valuation of the property in question before the Debts Recovery Tribunal. If any such question is raised by the petitioners before the Debts Recovery Tribunal, the Debts Recovery Tribunal shall consider and decide the same strictly in accordance with law by a speaking order.

With these observations, the writ petition stands disposed of.

**JUDGE**

**CHIEF JUSTICE**

Comparing Assistant