IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9268 of 2015

==

Sailendra Kumar S/o Shri Mahendra Singh Resident of Mohalla Jagdishpur, P.S. Moffasil, District Gaya.

.... Petitioner

Versus

1. The State Bank of India through its Chairman cum Managers Director Madam Lame Road Mumbai
2. The General Manager State Bank of India, West South Gandhi Maidan, Patna.
3. The Regional Manager State Bank of India Regional Commercial Office State Bank of India, Gaya.
4. The Chief Manager State Bank of India Branch, Gaya.
5. The Zonal Manager, State Bank of India, Gaya.
6. The Assistant General Manager, State Bank of India, Main Branch, Gaya.
7. The Auction Manager, State Bank of India, Gaya.
8. The Authorised Officer, State Bank of India, Gaya.
9. The Branch Manager, State Bank of India, Main Branch, Gaya.

.... Respondents

==

Appearance :

For the Petitioner : Mr. Nand Kishore Prasad Sinha, Advocate
For the Respondent S.B.I. : M/s. Kaushlendra Kumar Sinha and Sunil Kumar Singh, Advocates

==

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-07-2015

Heard learned counsel for the petitioner and the State Bank of India.

This writ application has been filed for quashing the auction notice dated 20.06.2015 published in the daily newspaper "Prabhat Khabar" by the Regional Office, State Bank of India, Gaya for auction sale of the Tourist Bus of the petitioner being Registration No.BR02Q-7306.

It is submitted that the petitioner had purchased the aforesaid Bus for Rs.22,00,000/- out of which Rs.18,19,000/- was obtained as a loan from the State Bank of India, Main Branch, Gaya. Learned counsel submits that his Bus was seized on 09.02.2015 and thereafter, a notice has been published on 20.06.2015 in the daily newspaper for its auction sale.

A counter affidavit has been filed on behalf of the State Bank of India appending therewith the statement of account which shows that Rs.14,81,307/- is still to be paid by the petitioner and account has become non performing on 31st July, 2014. Thereafter, the petitioner was given several letters for clearing the debt and lastly he was served with a letter dated 11.02.2015 clearly indicating that the vehicle would be auction sold.

Be that as it may, learned counsel for the petitioner submits on instruction that the petitioner is now ready to clear the debt if it is fixed in instalments. Petitioner himself is present and he also undertakes to clear the debt if it is fixed in instalments.

Accordingly, this Court is inclined to dispose of this writ application giving following direction :

i) The petitioner would deposit Rs.1,00,000/- by tomorrow before the Lending Branch, i.e., the State Bank of India Main Branch, Gaya and he will further pay Rs.1,00,000/- by 10th of July, 2015.

ii) On such amount having been paid by the petitioner by tomorrow, this Court orders to put the auction sale on hold.

iii) The Bank would fix the amount to be paid by the petitioner in equal instalment after deduction of the aforesaid Rs.1,00,000/- to be paid by the petitioner by tomorrow. On such payment having been received by the Bank, the vehicle along with its accessories as per seizure list would be required to be released in favour of the petitioner after fixing the total amount to be paid within twelve months in four equal instalments also adding the PLR. The aforesaid mode of payment should immediately be conveyed to the petitioner who would deposit the instalments fixed by the Bank on time and failing even once, the Bank would be entitled to again seize the vehicle and proceed in accordance with law for realization of the balance amount of debt.

(Dr. Ravi Ranjan, J)

N.H./-

U			