

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17453 of 2011

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M/S Kisan Cold Storage, Registered Office, Amarpur Road, P.S.-Habibpur, Distt. Bhagalpur, through one of the partners, Md. Shahabuddin, S/O Late Shamshuddin, resident of Mohalla-Habibpur, P.S.-Habibpur, Distt.-Bhagalpur

.... Petitioner/s

Versus

1. United Bank of India, through General Manager, having its Head Office At 11, Hemanta Basu Sarani Kolkata-700 001 (West Bengal)
2. Authorised Officer United Bank of India, Bihar Regional Office, Abhay Bhawan, 2nd Floor, Fraser Road, Patna-800 001
3. Senior Manager, United Bank of India, Bhagalpur Branch, D.N. Singh Road, Khalifa Bagh, Chawk Branch, Bhagalpur, P.S.-Kitwali, Distt.-Bhagalpur-812 201.
4. Deputy Manager, United Bank of India, Bhagalpur Branch, D.N. Singh Road, R/O Khalifa Bagh, Chawk, P.S.-Kotwali, Bhagalpur-812201
5. Bajaj Allianz General Insurance Company Ltd. through its Branch Manager 6th Floor, Anand Road, Patna-800 001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.

For the Respondent/s : Mr. Manoj Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-10-2015

The present writ petition has been filed for quashing of the sale notice dated 01.09.2011 issued under the signature of the respondent no. 2, in exercise of his power under Section 13(4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'Act') by which it has been declared that the assets and mortgaged assets of the petitioner shall be auctioned on 03.10.2011.

2. Learned counsel for the petitioner submits on

instruction that the entire dues of the Bank have since been liquidated and as such there are no dues in respect of the amount borrowed by the petitioner. It is also stated that the mortgaged assets of the petitioner have not yet been finally auctioned.

3. None appears on behalf of the respondent Bank or any of its officers when the matter is repeatedly called.

4. Having regard to the statement made by learned counsel for the petitioner, this writ petition is disposed of with liberty to the petitioner to approach the respondent Bank with a fresh representation to the above effect, which shall be examined and disposed of by the respondent Bank in accordance with law expeditiously. In case it is found that the entire dues have been paid to the Bank by the writ petitioner, the impugned sale notice dated 01.09.2011 shall not be proceeded with and the Bank shall release the documents relating to the mortgage in question to the petitioner without undue delay.

(Vikash Jain, J)

Md. Ibrarul/-

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