

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5633 of 2010

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Ram Chandra Mahto, S/O Late Mukho Mahto, R/O Vill. and P.O. Jokia,
P.S. Bhagwanpur, Sub Division Teghra, Distt.- Begusarai

.... Petitioner/s

Versus

1. The Union of India, through Secretary Ministry of Finance (Bankers),
New Delhi

2. The State Bank of India, State Bank Bhawan, Madam Cama Road,
Mumbai, through its Chairman-Cum-Managing Director

3. The Chairman-Cum-Managing Director, State Bank of India, State Bank
Bhawan, Madam Cama Road, Mumbai-400 021

4. State Bank of India, Industrial Estate Branch, Barauni, Industrial Area,
P.O. Tiltrath, P.S. Barauni, Distt.- Begusarai, through its Branch Manager

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manik Ved Sen

Mr.Subhash Chandra Bose

For the Respondent no.1 : Mrs.Kanak Verma, C.G.C.

For the Respondent nos.2to4: Mr.Kaushlendra Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 09-03-2015

Heard the parties.

The petitioner is aggrieved by the order dated 13.11.2009 (Annexure-7) passed by the Debts Recovery Tribunal, For the State of Bihar, Patna, whereby the petition for review filed on behalf of the petitioner seeking review of earlier order dated 21.01.2002 passed in PT Case No.553 of 1998 by the Debts Recovery Tribunal, Patna has been rejected.

Indisputably, the impugned order dated 13.11.2009 (Annexure-7) passed by the Debts Recovery Tribunal, Patna is appealable under Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (in short Act, 1993). It is further apparent that against the original order dated 21.01.2002 passed by the Debts Recovery Tribunal, Patna no appeal was preferred by the petitioner under Section 20 of the Act, 1993, though that order was also appealable.

This Court is of the considered opinion that the issues

of facts must be raised by the parties at the first instance before the statutory authorities and that must be gone into by such authorities and only thereafter the power of judicial review under Article 226 of the Constitution of India can be properly and effectively exercised.

For the reasons recorded above as also in view of the judicial pronouncements made by the Hon'ble Supreme Court in the case of United Bank of India Vs. Stayawati Tondon [(2010) 8 SCC 110] and the recent judicial pronouncement in the case of Commissioner of Income Tax Vs. Chabil Dass Agrawal [(2014) 1 SCC 603], this Court is not inclined to interfere with the impugned order dated 13.11.2009 passed by the learned Debts Recovery Tribunal, Patna. Accordingly, the writ petition stands dismissed. However, if so advised, the petitioner shall be at liberty to file an appeal before the Debts Recovery Appellate Tribunal under Section 20 of the Act, 1993. If such an appeal is filed on behalf of the petitioner and it is found that it has become barred by limitation and if any petition is filed for condonation of delay, then the learned Debts Recovery Appellate Tribunal shall take into consideration that under a bonafide legal advice the present writ petition was filed before this Court on 31.03.2010 and that remained pending before this Court till date and only thereafter it shall pass appropriate order(s) in the appeal preferred by the petitioner.

The interim order of status quo passed on 01.04.2010 by a Bench of this Court stands vacated.

Arvind/-

(Birendra Prasad Verma, J)

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