

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.667 of 2014

=====

M/S Durga Khad Bhandar through its Proprietor Shri Shyam Kumar, S/o Kapildeo Prasad, Resident of Mohalla- Kaurihar, Bhagwanpur, Raxaul, Motihari, District- East Champaran

.... Petitioner

Versus

1. The Chief General Manager, Central Bank of India, Patna.
2. The Regional Manager, Central Bank of India, Motihari.
3. The Branch Manager, Central Bank of India, Raxaul, Motihari.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Manoj Kumar Sinha, Advocate
For the Bank : Mr. Ajay Kumar Sinha, Advocate

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-02-2015

I have heard learned counsel for the petitioner and the Central Bank of India.

Petitioner is aggrieved by the notice dated 25.5.2012 issued upon him under Section 13(2) of the SARFAESI Act, 2002.

However, there is a provision under Section 13(3)(A) of the Act that on receipt of such notice under Sub Section 2 the borrower can make representation raising objection which shall be considered by the concerned authority and if objection is not acceptable then it shall be communicated to him within a period of 15 days. The petitioner has not availed such remedy as yet and 60 days period which should be provided under Section 13(2) of the Act has already passed but at the same time, the petitioner has submitted that

no action has been taken by the Bank as yet under Section 13(4) of the Act. Learned counsel for the Bank is not in a position to either to controvert or to admit the aforesaid statement.

In above view of the matter, this writ application is being disposed of with a liberty to the petitioner to file his objection under Section 13(3)(A) of the Act before the concerned authority which shall proceed in accordance with law if no action under Section 13(4) of the Act has already been taken till date by the authorized officer of the Bank. The aforesaid objection would be considered only if the petitioner appears before the authorized officer within a period of three weeks.

(Dr. Ravi Ranjan, J)

N.A.F.R.

N.H./-

U			
---	--	--	--