

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11866 of 2015

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Shailendra Kumar Tiwari, Son of Parmanand Tiwari, Resident of M.P. Sinha Road, Kadamkuan, P. S. - Kadamkuan, District - Patna.

.... Petitioner

Versus

1. The Punjab National Bank, SME Branch, Boring Canal Road, Patna through its Chief Manager.
 2. The Chief Manager, Branch Manager, Punjab National Bank, SME Branch, East Boring Canal Road, Patna.
 3. The Authorised Officer, Punjab National Bank, SME Branch, East Boring Canal Road, Patna.
 4. Ram Babu Choudhary, Son of Late Biyog Lal Choudhary,
 5. Dharmendra Kumar Choudhary, Son of Late Biyog Lal Choudhary,
 6. Rameshwar Prasad Choudhary, Son of Late Biyog Lal Choudhary,
 7. Smt. Lalita Devi, Wife of Late Biyog Lal Choudhary,
- All are residents of village - Shahpur, P.S. - Tisiauta, District - Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Uma Shankar Prasad, Sr. Advocate
Mr. Raj Nandan Prasad, Advocate

For Respondent-Bank : Mr. Kumar Priya Ranjan,
Mrs. Gunja , Advocates

For Private Respondents: Mr. Gautam Kr. Kejriwal,
Ms. Aishwarya, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-07-2016

This writ petition has been filed for quashing the order dated 03.07.2015 passed by Debts Recovery Tribunal for the State of Bihar at Patna (hereinafter called as “DRT”) in S. A. (SARFAESI Application) No. 210 of 2013 whereby and whereunder the said S. A. No. 210/2013 has been allowed in favour of respondent nos. 4 to 7 and auction sale dated 25.10.2012 and 26.08.2013 has been set aside in which petitioner is the auction purchaser.

2. At the very outset, this Court takes note that the impugned order dated 03.07.2015 passed by the Debts Recovery Tribunal is amenable to the appellate jurisdiction of the Debts Recovery Appellate Tribunal in terms of the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. Mr. Uma Shankar Prasad, learned senior counsel for the petitioner, has not been able to show otherwise.

4. In the above view of the matter, this Court is not inclined to enter into the merits of the claims raised in the writ petition which accordingly stands dismissed, with liberty to the petitioner to approach the appropriate forum in accordance with law.

5. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.07.2016
Transmission Date	N/A