

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24311 of 2013

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1. M/s Vikas Trading through its Sole Proprietor Shambhu Prasad, son of Late Dr. Dwarika Prasad, R/O P.S. Khajekalan, District Patna
 2. Shambhu Prasad S/O Late Dr. Dwarika Prasad R/O P.S. Khajekalan, District Patna

.... Petitioners

Versus

1. The State Bank of India through its Zonal Manager, Patna
2. The Recovery Officer, Debts Recovery Tribunal, Patna
3. The State Bank of India through its Branch Manager, Patna City Branch, P.S. Chowk, District Patna.
4. Bimal Rai, S/o Asarfi Rai, R/O 29 Fulauri Gali, P.S. Khajekala, Patna City, Dist- Patna.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Harsh Singh, Adv.
For the Bank	:	Mr. Kaushlendra Kumar Sinha, Adv. Mr. Sunil Kumar Singh, Adv.
For the Intervener	:	Mr. A.N. Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-05-2016

Heard learned counsel for the petitioner, for the respondent Bank as well as for the respondent no. 4.

2. The present writ petition has been filed for quashing the notice of proclamation of sale dated 19.09.2013 passed in RP No. 124/2010 as contained in Annexure 1, by the Recovery Officer, Debts Recovery Tribunal, Patna whereby the scheduled property, which is the residential house of Petitioner No. 2 has been directed to be sold by public auction for liquidating dues amounting to Rs. 11,33,230/- (Rupees Eleven Lacs Thirty Three Thousand Two Hundred & Thirty only) plus cost and interest thereon.



3. Learned counsel for the petitioner submits that according to the respondent Bank, the entire dues outstanding against the petitioner from 31.05.2006 up to 06.03.2016 together with contractual interest comes to Rs. 41,83,080.95/- whereas the highest bid received for the property in auction stands only at Rs. 16,60,000/- from one Bimal Rai (respondent no. 4). Learned counsel for the petitioner on instruction states that if the Bank is willing to consider any proposal from the petitioner, he would be prepared to pay an amount considerably more than the aforesaid highest bid of the respondent no. 4, within a short time frame.

4. Having heard the parties and considering the nature of the stand taken by the petitioner, in the interest of justice, this Court grants liberty to the petitioner to approach before the respondent Bank within a period of two weeks from today with an appropriate representation setting out details of his proposal for the payment against the dues. If any such representation is filed within the aforesaid stipulated period, the same shall be considered and disposed of on its own merits by the respondent Bank within a further period of two weeks from the date of filing of such representation, after grant of an opportunity to the petitioner of being heard. It is made clear that the petitioner shall not be entitled to seek further time or otherwise delay the matter of disposal of its representation.

Subject to the decision taken by the respondent Bank or in the event of the petitioner failing to abide by any commitment that he may make as acceptable to the Bank, the Bank shall be at liberty to proceed with finalization of the auction sale.

5. The writ petition stands disposed with the above observations and directions.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.05.2016
Transmission Date	N/A