

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1093 of 2016

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Abhishek Kumar, Son of Sri Parmanand Srivastava, Resident of Mohalla - Gandhi Nagar, Road No. 4, Kolhua Paigambarpur Bairiya, P.O. + P.S. - Ahiyapur, Town and District - Muzaffarpur, Pin 803108.

.... Petitioner

Versus

1. The Authorized officer-cum-Chief Manager Syndicate Bank, Tirhut Canal Division, Ram Dayalu Nagar, Muzaffarpur - 842002.
2. The Zonal Manager, Syndicate Bank, Zonal Office, Maurya Lok Complex, Opposite Heera Palace, Patna - 800001.
3. Presiding Officer, Debts Recovery Tribunal, For the State of Bihar at Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Ebrahim Kabir, Advocate

For the Respondents : Mr. Siddharth Harsh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-08-2016

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. This writ petition has been filed for quashing the order dated 09.09.2015 passed in S.A. No. 128 of 2015 by the Presiding Officer, Debts Recovery Tribunal, Patna; and for a further direction to quash entire proceeding initiated by the bank under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, "SARFAESI Act").

3. At the very outset, this Court takes note that the impugned order dated 09.09.2015 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

SARFAESI Act.

4. Learned counsel for the petitioner has not been able to show otherwise.

5. 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.

6. Needless to say, the present judgment shall not stand in the way of the petitioner in approaching the respondent-bank for consideration of any offer for payment of his outstanding dues which may be considered on its own merit.

7. 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/-Chandran

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.08.2016
Transmission Date	N/A