

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4428 of 2013

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Harendra Kumar Singh, S/O Sri Mahesh Prasad Singh, Proprietor M/S Bhagawati Enterprises, Nawagarhi, Gaya, Present address 48, Tetulmari, Chandaaur, P.O- Sijua, District- Dhanbad.

.... Petitioner/s

Versus

1. The United Bank of India through its Zonal Manager, Abhay Bhawan, 2nd Floor, Fraser Road, Patna- 800001.
2. The Zonal Manager, United Bank of India, Abhay Bhawan, 2nd Floor, Fraser Road, Patna- 800001.
3. The Regional Manager, United Bank of India, Abhay Bhawan, 2nd Floor, Fraser Road, Patna- 800001.
4. The Authorized Officer, United Bank of India, Abhay Bhawan, 2nd Floor, Fraser Road, Patna- 800001.
5. The Branch Manager, United Bank of India, Gaya Branch, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey

For the Respondent/s : Mr. Binod Bihari Sinha

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 21-04-2016 Heard the parties.

The petitioner is aggrieved by the notice dated 3.12.2012 issued by the respondent-Bank under section 13(2) of the Securitisation & Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'SARFAESI Act').

While it is the contention of the petitioner that he has suffered loss at the hands of the Bank who had not granted loan as per the demand, but it is the stand of the Bank that whatsoever application he had filed which was acted upon. It is stated that repayment of Rs.3,00,000/- has been defaulted and

even the impugned notice has not been responded to nor any objection under section 13(3A) of the 'SARFAESI Act' has been filed by the petitioner. Counsel for the bank thus submits that if the petitioner is aggrieved by the notice he should have either responded to the notice or should have repaid the amount.

Having heard learned counsel for the parties and considering the materials on record I find myself to be in agreement with the objection raised by the Bank for the petitioner instead of responding to the notice and discharging his onus has rushed to this Court complaining against the notice which suffers from no infirmity.

The writ petition is disposed of leaving it open for the petitioner to take recourse to the remedy as may be available to him under the 'SARFAESI Act'.

(Jyoti Saran, J)

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