IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17549 of 2012

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Ravi Bhushan Singh, M/S Brahmeshwar Nath Enterprises Pvt. Ltd., Son of Sri Markandey Singh, Resident of Village Brahmpur, Police Station Brahmpur, District Buxar.

.... Petitioner

Versus

1. Branch Manager, State Bank of India, Brahmpur Branch, At and Post Office Brahmpur, Police Station Brahmpur, District Buxar.
2. Authorised Officer, C.U. (Rural), R.B.O. Ara, State Bank of India, Brahmpur Branch, Police Station Brahmpur, District Buxar.

.... Respondents

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Appearance :
For the Petitioner : Dr. Uma Shankar Prasad, Sr. Advocate
Mr. Bachan Jee Ojha, Advocate
For the Respondents : Mr. Rakesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 21-09-2016

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

2. The present writ petition has been filed for quashing the demand notice under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "SARFAESI Act") dated 23.07.2012 issued by the authorized officer of the aforesaid Bank (Respondent no. 2) by which the respondent authority directed the petitioner to deposit Rs. 58,22,302/- within 60 days; and for connected reliefs.

3.Dr. Uma Shankar Prasad, learned senior counsel appearing on behalf of the petitioner, submits that the petitioner, an unemployed youth, had taken a loan from the respondent State Bank of India but in view of the subsequent default in repayment, a demand was raised under Section 13(2) of the SARFAESI Act, in response to which an objection petition under Section 13(3-A) was duly filed by the petitioner. It is further stated that an amount of Rs. 5,00,000/- has been deposited on 19.08.2016 with the Bank with a view to arrive at a compromise for settlement of the dues.

4. Learned counsel for the respondent-Bank, on the other hand, has relied on paragraph 5(b) of the counter affidavit to state that the petitioner's objection petition under Section 13(3-A) of the SARFAESI Act had been rejected as far back as on 11.09.2012 itself.

5. Considering that the petitioner's objection petition under Section 13(3-A) has already been disposed of, which fact has not been controverted by the petitioner, and also that the petitioner has not brought to notice of this Court that any action under Section 13(4) of the SARFAESI Act has been initiated by the respondent-Bank, this Court is not inclined to interfere in the matter and the writ petition accordingly stands dismissed

6. Needless to say, the petitioner shall be at liberty to pursue his request for compromise of the outstanding dues with the Bank, which may be considered on its own merit and in respect of which this Court makes no observation.

(Vikash Jain, J)

B.T/Ibrar

AFR/NAFR	NAFR
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