

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15675 of 2016

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M/s Pawan Atoumotives (P) Limited, through its Director Rajan Kumar, having its registered office at Harpur Chowk, H.H, 31, P.S.- Barauni Refinery, District- Begusarai.

.... Petitioner

Versus

1. The Debts Recovery Tribunal, A & B Wing, 5th Floor, Karpuri Thakur Sadan, Kendriya Karyalay Parisar, Near Rajeev Nagar Police Thana, Ashiana Digha Road at Patna- 800024 through its Presiding Officer.
2. The Recovery Officer, Debt Recovery Tribunal, A & B Wing, 5th Floor, Karpuri Thakur Sadan, Kendriya Karyalay Parisar, Near Rajeev Nagar Police Thana, Ashiana Digha Road at Patna- 800024.
3. The Authorized Officer, State Bank of India (SANB) 5th floor, J.C. Road, Patna.
4. The Branch Manager, Barauni Refinery Township Branch, Urbarak Nagar, Begusarai, District- Begusarai.
5. Prem Kumar Choudhary, Son of Late Raj Kumar Choudhary, Ward No. 08, Choudhary Tola, Phulwaria-2, Barauni, Begusarai.
6. Md. Lal Babu Son of Md. Hanif, Phulwaria-2, Phulwaria Anchal, P.S.- Teghda, District- Begusarai.

.... Respondents

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Appearance:

For the Petitioner : Mr. P.K. Shahi, Sr. Advocate

Mr. Arun Kumar, Advocate

For the Respondents : Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-09-2016

Heard Mr. P.K. Shahi, learned senior counsel for the petitioner and learned counsel for the respondent bank.

2. The present writ petition has been filed for quashing the order dated 05.09.2016 passed in S.A. No. 97 of 2016 (M/s Pawan Automotives (P) Limited vs. the Authorized Officer, State Bank of India) passed by the Presiding Officer of the Debts Recovery Tribunal, Patna by which the Securitization and Reconstruction of Financial Assets And Enforcement of Security Interest Act, 2002 (hereinafter referred to as “the SARFAESI Act”) application filed by the petitioner challenging the

notices as issued under Section 13(2) of the SARFAESI Act as well as the possession notices as issued under Section 13(4) of the SARFAESI Act has been dismissed; and for connected reliefs.

3. At the very outset, learned counsel for the respondent bank points out that a review application in M.A. No. 96 of 2016 has been filed by the petitioner before the Debts Recovery Tribunal, Patna, after filing of the present writ petition.

4. Learned senior counsel for the petitioner however, states that a petition has been filed before the Debts Recovery Tribunal, Patna for withdrawal of M.A. No. 96 of 2016.

5. Considering that the petitioner has already approached the Debts Recovery Tribunal, Patna in M.A. No. 96 of 2016, this Court is not inclined to entertain the present writ petition at this stage. The petitioner is permitted to pursue its review application aforesaid and the petition for its withdrawal shall not come in the way of disposal of the review application on its own merits by the Debts Recovery Tribunal, Patna.

6. It is made clear that the petitioner shall also be at liberty once again to approach this Court in the event of any of the present grievances remaining after disposal of its review application.

7. The writ petition stands disposed of with the aforesaid observations and directions.

(Vikash Jain, J)

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