

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.846 of 2017

IN

Miscellaneous Jurisdiction Case No. 670 of 2016

- =====
1. Md. Saleem Rizvi, son of Md. Nayeem Hotel Daisy 6 Complex, Dariyapur Baripath, Patna.
 2. Safia Bano, wife of Saleem Rizvi, resident of Hotel Daisy, Commercial Complex, Dariapur, Baripath, P.S.- Pirbahore, District- Patna.
 3. Shabista Saleem @ Sabistan Saleem, D/o Md. Saleem Rizvi, R/o Hotel Daisy Comercial Complex, Dariapur, Baripath, P.S.- Pirbahore, District- Patna.

.... Appellant/s

Versus

1. State Bank of India Stressed Assets Resolution Centre Branch, situated in Patna, Main Branch, Patna, through the Asst. General Manager.
2. HDFC Bank Ltd., Rani Plaza, 2nd Floor, Exhibition Road, Patna, through the Branch Manager.
3. Punjab and Sindh Bank, Haziganj, Patna City, Patna, through the Branch Manager.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sahvind Kumar Sharma, Advocate
For the Respondent/s : Mr. Kaushlendra Kumar Sinha, Advocate
Mr. Sunil Kr. Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-08-2017

Seeking exception to an order dated 7.5.2014 passed by the learned Writ Court in C.W.J.C. No15791 of 2012, this appeal has been filed under Clause 10 of the Letters Patent.

It is tried to indicate that for complying with the order passed and for effecting sale of the property in question, the Banks have granted authority to the State Bank of India, Assets Re-construction Company (India) Limited and this is not permissible and when these facts were brought to our notice in M.J.C. No. 670 of



2016, on 17.4.2017, the contempt court modified the order which is not permissible.

We find that the State Bank of India has assigned its right and authority to the Assets Re-construction Company (India) Limited and in doing so, finding no contempt to have been committed, the contempt application was rejected and certain modifications were prescribed in the order passed.

Be that as it may, in view of the fact that except for complaining that the State Bank of India could not assign its right to such a company, no law or statutory provision or precedent is brought to our notice which prohibits such assignment by the State Bank of India.

That being so, we see no reason to make indulgence into the matter.

The appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.8.2017
Transmission Date	N/A

