IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10521 of 2016

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Sanjay Kumar, Son of Prabhu Nath Mahto, Resident of Mohalla - Nuruddinaganj, P.S. Malsalami, Patna City, District - Patna

.... Petitioner

Versus

1. The Chairman, United Bank of India, Kolkata
2. The Regional Manager, United Bank of India, Patna Region
3. The Branch Manager, United Bank of India, Rajendra Path, Patna

.... Respondents

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Appearance:
For the Petitioner/s : Mr. Anirudh Kumar Singh
For the Respondent/s : Mr. Binod Bihari Sinha, Adv.
Mr. Ajay Mishra, Adv.
Mr. Amarjeet Choudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 06-03-2017

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

2. In this case, the petitioner has taken a loan of Rs.9,00,000/- from the United Bank of India. Out of which, Rs.6,73,000/- has been paid by the petitioner. As he could not deposit the rest amount of loan his account was declared as N.P.A. A notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assests and Enforcement of Security Interest Act, 2002 (for short "the *SARFAESI Act"*) was given to the petitioner to pay back the rest amount. When the petitioner failed to discharge the liability, the Bank has issued a notice under Section 13(4) read with Rule-8 of the SARFAESI Act, which is under challenge before this Court.

3. It appears that there is an alternative Forum for the petitioner under Section 17 of the SARFAESI Act for adjudication of the dispute. Let the petitioner file a proper application before the Debts Recovery Appellate Tribunal. If such an application is filed the Presiding Officer of the Tribunal will pass appropriate order in accordance with law.

4. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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