

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1652 of 2015

IN

Civil Writ Jurisdiction Case No. 11886 of 2010

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1. Bharat Wagon & Engineering Company Limited (A Govt. of India Undertaking having its registered office at Block C (5th floor) Maurya Lok Complex, Dakbungalow Road, P.S. - Kotwali Town and District - Patna through its Managing Director.

.... Appellant/s

Versus

1. The Union of India through the Presiding Officer, Debts Recovery Tribunal, East Boring Canal Road, Patna.
2. The Punjab National Bank Branch Office at Jawaharlal Road, Muzaffarpur.
3. The Ministry of Industry, Government of India Department of Heavy Industries Vigyan Bhawan, New Delhi through its Secretary.
4. The Arthur Butler and Company (Muzaffarpur) Ltd. a Company within the meaning of Companies Act, 1956 and having its registered office at 40 Strand Road Kolkata 70001 through its Managing Director.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Kumar

For the Respondent/s : Mr.

For the Union of India: Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 17-01-2017

Heard learned counsels for the parties.

I. A. No. 7521 of 2015 is a petition for condonation of
28 days delay.

For the reasons indicated therein condonation
application is allowed.

Matter has been heard on the merits as well.

Submission made on behalf of the learned counsel for the appellant



are issues, which this Court may not like to answer at this juncture for the reason that the Learned Single Judge, while disposing of the writ application, bearing C. W. J. C. No. 11886 of 2010, disposed off on 24.03.2015, after due consideration of submission, came to a considered opinion that the remedy for all the issues sought to be raised before Learned Single Judge, should be raised before the Debts Recovery Appellate Tribunal. The issues can be first agitated there. There was no occasion for the writ court to decide keeping in mind the statutory provision therein. Such order cannot be said to be in any manner suffering from any legal infirmity.

The submissions being made at bar in support of the appeal can very well be placed before the said forum and authority, which will be considered in accordance with law.

No interference is warranted with the order of the Learned Single Judge.

The Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	18.01.2017
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