

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14439 of 2015

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1. Ram Niwas Singh, Son of Nitya Nand Singh, Resident of Village- Bandwar,
Police Station- Neema Chandpura, District- Begusarai

.... Petitioner/s

Versus

1. State Bank of India through Assistant General Manager, State Bank of India,
R.B.O. Harhar Mahadeo Chowk, Begusarai, P.S. & District- Begusarai.
2. The Regional Manager, Region- III, State Bank of India, R.B.O. Harhar
Mahadeo Chowk, Begusarai, P.S. & District- Begusarai.
3. The Chief Manager, State Bank of India (Main Branch), Nagar Palika Branch,
Begusarai.
4. M/s Sona Masala Udyog through its proprietor Sita Ram Mahto, Son of Sri
Jagdish Mahto, Resident of Village- Sikandarpur, Police Station- Begusarai
Muffasil, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha

For the Respondent No.4: Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 03-10-2017

Heard the parties.

In the present case, petitioner has prayed for a direction to
the respondent Bank to execute sale deed of the land.

The petitioner is auction purchaser of the land appertaining
to Mauza Sikandarpur, Tauzi No.603, Thana No.222, Khata
No.158, Khesra No.416, area 4 Katha 1 Dhur 10 Dhurki under
Begusarai district. M/s Sona Masala Udyog is proprietorship
Company through its proprietor Sita Ram Mahto. He had taken



loan of Rs.2,18,500/- as the petitioner could return the said amount along with interest the Bank has initiated a SARFAESI proceeding for recovery of the said amount. Notices were given, ultimately the property as aforesaid which was a security under the Bank was put to auction sale which the present petitioner has purchased at an amount of Rs.4,00,000/- which has been deposited. M/S Sona Masala Udyog against auction approached to Debts Recovery Tribunal vide S.A. No.121 of 2013 where the Tribunal has given opportunity to M/S Sona Masala Udyog to deposit the amount along with 9% simple interest and 5% simple penalty and also directed to make payment of Rs.7,000/- as legal cost. The same was challenged before Appellate Tribunal by the Bank unsuccessfully whereafter petitioner has challenged the auction before this Court vide C.W.J.C. No.8658 of 2014 but failed to achieve success, affirmed by the Division Bench in L.P.A. No. 494 of 2015.

In such view of the matter, the auction sale has reached to its finality as there is no challenge thereafter. It is also an admitted fact that in pursuance of order dated 13.9.2013 M/S Sona Masala Udyog has not deposited the amount rather defaulted to deposit the money in terms of the order which was



confirmed by the appellate authority.

In the present case the auction purchaser has raised grievance that though he has deposited entire amount but such deed has not been executed. The Bank has filed counter affidavit and paragraph 7 of the counter affidavit filed by the Bank it reflects, now the Bank is ready to execute the sale deed subject to filing of the stamp as provided under Section 29(f) of the Indian Stamp Act, 1899.

Learned counsel for M/S Sona Masal Udyog submits that Company is ready to pay the amount along with interest amount. When M/S Sona Masal Udyog has failed to grab opportunity to deposit the amount which was offered by the Tribunal vide order dated 13.9.2013, inasmuch as he has lost the ground with respect to challenging the auction sale, in such circumstances, it does not stand to reason that the Court would come forward and extend help to M/S Sona Masala Udyog.

In such view of the matter, the prayer made by M/S Sona Masala Udyog has no merit and the same is rejected. The Bank is directed to execute the sale deed in favour of the petitioner within three weeks as and when the petitioner deposits stamp in terms of the Indian Stamp Act. The prayer for interest which the



petitioner has claimed is rejected.

Accordingly this writ petition is allowed to the aforesaid extent.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2017
Transmission Date	NA

