IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11936 of 2017

M/s Kosi Beverage and Food Private Limited, a Company Registered under in the Indian Companies Act having its Registered Office at through its Director namely Mr. Abhishek Kumar Singh, Son of Sri Daya Shankar Singh, Resident of At+ P.O.- Saroja Via- Chaprawn- Koti, P.S. Simri Bakhtiarpur, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The District Single Window Clearance Committee, Saharsa through its Chairman-cum- District Magistrate, Saharsa.
4. The Central Bank of India through the Managing Director, Head Office, Chander Mukhi Building, Behind Oberoi Hotel, Nariman Point, Mumbai-400021.
5. The Regional Manager, Central Bank of India, Regional Office, Gautamnagar, Ward No. 12, Kosi Chowkdist- Saharsa, Bihar- 852201.
6. The Branch Manager, Central Bank of India, D. B. Road, Saharsa.

.... Respondents

Appearance:

For the Petitioner/s : Mr. Kumar Kaushik, Adv.
For the Respondent/s : Mr. Avinash, A.C. to S.C.-6
For the Bank : Mr. Ajay Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-10-2017

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

In this case, it is an admitted fact that the petitioner has taken loan and he failed to deposit installments, his bank account has been declared 'N.P.A'. In this writ petition, the petitioner has claimed that the benefits mentioned under the Regulation of the Reserve Bank of India are to be extended in his favour to regularize his account. As per the petitioner, the action of the Central Bank of India for initiating the proceeding under the SARFAESI Act is not legal and requires interference.

The notice under Section 13(4) of the SARFAESI Act has been served upon the petitioner. If the petitioner is of the view that the Bank has gone beyond its authority in taking action under Section 13(4) of the Act, he may approach the Tribunal under Section 17 of the SARFAESI Act and for the claim that the Bank has ignored the Regulation and instructions of the Reserve Bank of India he may approach the Ombudsman.

The Bank has taken plea that on receipt of notice under Section 13(2) of the Act, he was required to give response within 60 days, but he has failed to do so.

The learned counsel for the petitioner submits that the petitioner wants restructure of his account in terms of regulation of the Reserve Bank of India. This aspect will be seen by the Ombudsman.

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.
Uploading Date	03.11.2017
Transmission Date	N/A.