

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17222 of 2017

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Pawan Kumar Mandal, son of Late Ganesh Pd. Mandal, resident of Mohalla -
Sikargarh Tola, Kalpana Cinema Road, Near Kela Arhat, P.S. - Kahalgaon,
District- Bhagalpur.

.... Petitioner

Versus

1. The General Manager, UCO Bank, Adampur, Bhagalpur.
 2. The Dy. General Manager, UCO Bank, Adampur, Bhagalpur.
 3. The Authorised Officer, UCO Bank, Zonal Office, Bhagalpur.
 4. The Branch Manager, UCO Bank, Kahalgaon Branch, Kahalgaon, Bhagalpur.
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Navjot Yesu
Mr. Aditya Abhishek, Advocates
For the Respondents : Mr. Shivendra Kr. Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-12-2017

The present writ petition has been filed for quashing of the order dated 18.07.2017 passed in SARFAESI Appeal No. 10 of 2017 by the learned Presiding Officer, Debts Recovery Tribunal, Patna (Annexure-1); and for connected reliefs.

2. At the very outset, learned counsel for the respondent-Bank raises a preliminary objection with regard to maintainability of the present writ petition on the ground of alternative remedy being available to the petitioner.

3. Learned counsel for the petitioner does not dispute that an appeal against the impugned order is available. It is stated however, that the property in question is scheduled to be auctioned tomorrow and he is prepared to make payment in reasonable instalments.

4. Having regard to the nature of the prayer and the stand of the respective parties, this Court is of the view that the ends of justice will be met if the petitioner is granted liberty to approach the respondent-Bank with a proposal for fixation of instalments for clearing the outstanding dues. If any such representation is filed by the



petitioner within one week from today, the same shall be considered and disposed of by the respondent-Bank within a further period of two weeks thereafter on its own merits and in accordance with law, fixing appropriate instalments for realization of the entire dues from the petitioner.

5. The auction may proceed but the sale shall not be confirmed for the time being and shall abide by the result of disposal of the petitioner’s representation. The respondents would be at liberty to proceed in case of default by the petitioner in making payment of any two consecutive instalments as may be fixed. Nothing in the present judgment shall also be construed as preventing the petitioner from exercising his right of appeal under Section 18 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

6. The writ petition stands disposed of with the aforesaid observations and directions.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
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