

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8913 of 2017

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Prabhu Nath Singh Son of Late Lakshuman Singh Resident of Village + P.O. -
Muradabad, P.S. - Sasaram, District - Rohtas (Bihar).

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Department of Finance, Bihar, Patna.
2. The Punjab National Bank through its field General Manager, Main Branch (Patna), Bihar, Patna.
3. The Field General Manager, Main Branch, Patna, Bihar, Patna.
4. The Assistant General Manager, Circle Head Office, Regal Complex, 3rd Floor, GM Road, Arrah.
5. The Branch Manager, Punjab National Bank, Sasaram Branch, Sasaram.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate
For the State : Mr. Anil Kumar Singh-GP 26
For the PNB : Mr. Kumar Priya Ranjan,
Mr. Niraj Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-01-2018

The present writ petition has been filed for quashing the order dated 17.04.2017 issued by the respondents by which the accounts of the petitioner bearing No. TL 084600800006559 have been classified as non performing assets and the guarantee given by the petitioner have been invoked and the petitioner has been directed to pay the amount of Rs. 1,85,93,559.59 with further interest on the contracted rate until payment in full within 60 days from the date of notice; and for quashing the order dated 28.03.2017 which the respondents have rejected the application of the petitioner for enhancement of C.C. from existing limit of Rs. 90,00,00/- to Rs. 1,80,00,000/- without any valid reason.

2. This matter has been listed out of turn on the request of the



petitioner on the ground that the rice mill of the petitioner has been put on auction which was to be held on 11.12.2017.

3. Admittedly, the auction has failed and the rice mill of the petitioner could not be auctioned in absence of willing buyers, as such the matter does not involve urgency.

4. This Court also takes notice that the petitioner has statutory remedy available by way of appeal under Section 17 of the SARFAESI Act, which has not been availed of.

5. In this view of the matter, this Court is not inclined to enter upon the merits of the matter.

6. The writ petition stands disposed of with liberty to the petitioner to approach the appellate forum for redressal of his grievances. In case any such appeal is filed within a period of 30 days from today the same shall be considered and disposed of on its own merits in accordance with law.

7. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.01.2018
Transmission Date	N.A.

