IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.587 of 2018

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Sanju Singh, Wife of Ved Prakash Ranjan, Resident of A/25, Magistrate Colony, Ashiana Nagar, Patna, Police Station-Rajeev Nagar, District-Patna.

.... Petitioner

Versus

1. Allahabad Bank through Its General Manager, Having its Office at 2, Netaji Subhash Road, Kolkata.
2. The Chief Manager, Allahabad Bank, Sheikhpura Branch, Patna.
3. The Deputy General Manager, Zonal Office, Allahabad Bank, Patna.
4. The Branch Manager, Allahabad Bank, Sheikhpura Branch, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate

For the Respondents : Mr. Shailendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-02-2018

Heard learned counsel for the petitioner as well as learned counsel for the respondents.

2. The present writ petition has been filed for the following reliefs –

"(i) A writ in the nature of certiorari setting aside the impugned notice dated 08.12.2017 as contained in Annexure-6 issued under signature of Respondent no. 2 under which total outstanding dues with interest of Rs. 34,62,928/-(Rs. Thirty Four Lacs Sixty Two Thousand Nine Hundred Twenty Eight) has been shown contrary to its settlement proposal accepted by Bank on amount of Rs. 40 Lacs out of which petitioner has already repaid the amount of Rs. 23 Lacs and rest of about 17 Lacs petitioner is still ready to repay in different instalments but Respondent Bank has unilaterally issued the

impugned notice charging exorbitant rate of interest.

(ii) For a direction upon the Respondent Bank to consider the pending representation dated 28.07.2017 submitted by the petitioner with regard to modalities for liquidation of outstanding loan amount under the circumstance under which petitioner being co-loanee is undertaking to clear the dues.

(iii) For a direction upon the Respondent Bank to reconsider on the mode of calculation of rate of interest as the loan was initially sanctioned on floating rate of interest in year 2011 but now exorbitant rate of interest i.e. 14 to 15% is being charged whereas petitioner has repaid the loan amount continuing in part and interest on repaid amount is not disclosed or clarified causing much financial harassment to the petitioner.

(iv) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case."

3. At the very outset, this Court takes note that the petitioner has rushed straightway to this Court against the impugned notice dated 08.12.2017 issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "SARFAESI Act") without responding to the said notice as she has statutory right to file objection against the same.

4. In the above view of the matter, this Court is not inclined to enter into the merits of the matter. The writ petition stands

dismissed with liberty to the petitioner to respond the impugned notice dated 08.12.2017 issued under Section 13(2) of the SARFAESI Act. If any objection to the said notice is filed by the petitioner within a period of one month from the date of receipt/production of a copy of this judgment, the same shall be considered and disposed of in accordance with law and having regard to the provisions of Section 13(3-A) of the SARFAESI Act.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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