

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17616 of 2017

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Shankar Prasad Singh Son of Late Ram Janam Singh Resident of Motilal Lane,
Sikandarpur, Mirjan Hatt, P.S. - Bhagalpur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Chairman, Bank of Baroda, Mumbai.
3. The Chief Manager and Authorized Officer, Bank of Baroda, Bhikanpur, Bhagalpur.
4. The Branch Manager, Bank of Baroda, Bhikanpur Branch, Sanskar Apartment, RBSS Sahay Road, Bhagalpur.
5. The Regional Manager, Bank of Baroda, Purnea Region, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv
Mr. Dilip Kumar, Adv

For the State : Mr. Vipin Kumar Singh, AC to SC22

For the Resp. Bank : Mr. Nishi Nath Ojha, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-06-2018

As prayed, learned counsel for the petitioner is permitted to implead the Regional Manager, Bank of Baroda, Purnea Region, Purnea as respondent no. 5 in course of the day.

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

(i) For setting aside the entire process of sale of mortgaged assets of the petitioner, as published in 'Hindustan' newspaper on 3rd November, 2017 which is scheduled on 04.12.2017 as the petitioner who is one of the partners of M/s Mahamaya Enterprises has already paid Rs. 3,24,587/- after the NPA and out of total outstanding of Rs. 11,89,445/- as on 13.11.2017 and he is prepared to pay the total outstanding within a period of 6



months and out of which Rs. 3.00 lakhs is being paid immediately.

(ii) For any other relief for which the petitioner may deem entitled to.

3. Learned counsel for the petitioner submits that the account of the petitioner was declared NPA and action under the SARFAESI Act was commenced for realization of the outstanding dues. It is submitted that an amount of Rs. 11,89,445/- is the outstanding amount and the petitioner has approached the authorized officer of the respondent-bank with a representation dated 16.11.2017 (Annexure-6) seeking compromise and instalments for payment of the outstanding dues.

4. Learned counsel for the respondent-bank on the other hand refers to para 7 of the counter affidavit to point out that as a matter of fact the total outstanding dues of the petitioner amounts to Rs. 19,86,154/- as on 31.12.2017.

5. Having regard tot eh nature of the grievance of the petitioner and in the interest of justice, the writ petition is disposed of granting liberty to the petitioner to approach the Regional Manager, Bank of Baroda, Purnea Region, Purnea (Respondent No. 5) for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same may be considered and disposed of on its own merits in accordance with law, and without being influenced by any observations made herein.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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