

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12809 of 2015

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1. M/s Om Shakti Rice Mill, at Village Shivpur, P.O.- Mohania, P.S.- Bhabua, District- Kaimur at Bhabua through its Proprietor Akhilesh Chaubey.
 2. Akhilesh Chaubey S/o Sri Umesh Chaubey, Resident of Village Shivpur, P.O.- Mohania, P.S.- Bhabua, District- Kaimur at Bhabua.

.... Petitioners

Versus

1. The Debt Recovery Tribunal, 34 - Bank Road Opposite new Police Line, Lodipur, Patna-1.
2. The Recovery Officer, 34 - Bank Road, Opposite New Police Line, Lodipur, Patna-1.
3. Bank of Baroda, Mohania Branch, Kaimur at Bhabua through Senior Branch Manager.
4. Senior Branch Manager-cum-Authorized Officer, Bank of Baroda, Branch Mohania, Station Road, District- Kaimur at Bhabua.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sourendra Pandey, Advocate

For the Respondents : Mr. Nishi Nath Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-08-2018

The present writ petition has been filed for setting aside the judgment dated 19.06.2015 as well as further proceeding of recovery; further commanding the respondent authorities not to disturb the petitioners till redressal of the grievances, and settlement effort is made by the Bank as the petitioners are ready to pay the amount.

2. At the very outset, this Court takes note that the petitioners have statutory remedy by way of appeal before the Debts Recovery Appellate Tribunal against the impugned judgment dated



19.06.2015 passed by the Debts Recovery Tribunal, Patna in OA No. 209 of 2014 which has not been availed of by the petitioner.

3. In view of availability of the alternative remedy as above, this Court is not inclined to interfere in the matter. The writ petition stands disposed of with liberty to the petitioners to file a appeal before the Debts Recovery Appellate Tribunal for redressal of their grievances.

4. 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 petitioners, while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

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