

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6611 of 2013

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M/S Hotel Ambassador, Niteshwar Marg, Naya Tola, P.S. Kazi Mohammadpur, District Muzaffarpur, through Munna Kumar, son of Late Ashok Kumar Singh, promoter/partner of M/S Hotel Ambassador, resident of Mohalla: Chandralok Chowk, Naya Tola, P.S. Kazi Mohammadpur, District Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Finance Department, Bihar Government, Patna
2. The Bihar State Financial Corporation, through its Managing Director, Frazer Road, P.S. Kotwali, District Patna
3. The Senior Branch Manager, Bihar State Financial Corporation, Branch Office at Aghoria Bazar, Professor Colony, P.S. Kazi Mohammadpur, District Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : None
For the State : Ms. Deepanjali Gupta, AC to GP 10
For the BSFC : Mr. Partha Sarthy, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-07-2018

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

“(A) A writ in the nature of certiorari or any other writ/s, order/s, for quashing the Tender Notice, 26.09.2012, issued and published in a daily newspaper, under section 29 of the Bihar State Financial Corporation Act, 1951, for the sale of mortgaged asset of the petitioner namely M/s Hotel Ambassador, situated at Niteshwar Marg, Naya Tola, Muzaffarpur.

(B) A writ in nature of mandamus or any others writ/s, order/s, direction/s, commanding the respondents for



the followings :-

(i) To hold that issuance of Notice for sale of the asset of the petitioner, contained in annexure-5 to the petition, is nonest in the eye of law as the dispute between the petitioner and the respondent corporation is pending for adjudication in F.A. No. 115/2012, before this Hon'ble Court.

(ii) To restrain the respondents from disturbing the title and possession of the petitioners over the asset in question till the pendency of the F.A. No. 115/2012.

(C) Any other relief/s for which the petitioner is found entitled to."

2. None appears on behalf of the petitioner on repeated calls in order to press this writ petition.

3. Mr. Partha Sarthy, learned counsel for the respondent-Bihar State Financial Corporation, opposes the writ petition, submitting that the tender notice was issued as far back as on 26.09.2012 for the sale of mortgaged assets of the petitioner. In any event, it is submitted that loan in question was taken by the petitioner in the year 1988 but thereafter even though the unit was set up and commissioned and the petitioner has not paid a single farthing till date and as such, no fault can be found in the action of the respondent to recover its dues from sale of the mortgaged assets.

4. Having regard to the aforesaid stand of the respondent-



Corporation, this Court finds the writ petition to be devoid of merit and thus stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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