

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.735 of 2018

In
Civil Writ Jurisdiction Case No.15510 of 2015

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Rahmatullah son of Late Nabi Hassan Proprietor of M/S RT Enterprises,
Preset of Resident of Kadam Kuan Patliputra Building, P.S.- Kadam Kuan,
District- Patna.

... .. Appellant/s

Versus

- 1.Satish Kumar Son of Sri Raghunandan Prasad, Resident of Nehru Tola, P.S.- Chowk, P.O- Begumpur, District- Patna
- 2.The Regional Manager Cum- Authorized Officer, Central Bank of India Regional Officer B. Block 2nd Floor, Maurya Lok Complex Patna.
- 3.The Senior Manager Cum- Recovery Officer Central Bank of India Regional Office B-Block 2nd Floor Maurya Lok Complex Patna.
- 4.The Zonal Manager Central Bank of India Zonal Office Maurya Lok Complex Patna.
- 5.The Branch Manager Central Bank Jhauganj Branch Patnacity.
- 6.The State of Bihar through District Magistrate Patna.
- 7.The Sub-Divisional Officer Patnacity, Patna.
- 8.The Anchal Adhikari, Patna-city.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. T.N. Matin, Sr. Advocate
	:	Mr. Md. Kamil Akhtar
For the State	:	Mr. Rohitabh Das, Advocate
For the Bank	:	Mr. Ajaky Kr. Sinha, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 12-07-2018 Having heard learned counsel for the parties, we find

that while disposing of the writ petition on 14/02/2017, in Para 8

the learned Writ Court has so observed :

“In such view of the matter, this Court directs the

present petitioner to approach the Debt Recovery Appellate

Tribunal, Patna under Section 17 of the SARFAESI Act. If the



petitioner approaches the Debt Recovery Appellate Tribunal, Patna, within four weeks from today, the Tribunal will be obliged to look into the claim of the petitioner and pass appropriate order in accordance with law without being influenced by the earlier orders passed by this Court. The Tribunal, while considering the Limitation Petition, will take into consideration the fact that the petitioner was not made a party in any proceeding in the past as he has submitted that he has not received any notice. It is clarified that this Court is not giving any opinion on the merit of the case”.

The objection of the appellant before us is that in view of the law laid down by the Hon’ble Supreme Court in the case of International Asset Reconstruction Company of India Ltd. Vs The Official Liquidator of Aldrich Pharmaceuticals Ltd. And Others, in Para 11 thereof, the Tribunal does not have any power to condone the delay and, therefore, the direction issued for deciding the limitation petition in an appropriate manner is contrary to the law laid down by the Hon’ble Supreme Court.

If that be so, while deciding the application for condonation of delay the tribunal, in our considered view, is bound to follow the law laid down by the Hon’ble Supreme Court and without being influenced by the impugned direction



for deciding the limitation etc., shall proceed to decide the question of limitation in accordance with law.

With the aforesaid clarification and modification to the order passed in the writ petition, we dispose of the matter.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/R.S.Sen

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