

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15966 of 2018

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1. M/s Sinha Enterprises a Proprietorship Concern, Carrying Out Jai Mata Di Bhawan, Sarkar Chowk, NTPC Kahalgaon, District- Bhagalpur, Bihar 813203 through its' proprietor Anil Kumar Sinha.
 2. Anil Kumar Sinha, Son of Mr. Hari Kisto Prasad, resident of Khatuahari Pura v Bhag, Village Khatuahari, Anchal Kahalgaon, District- Bhagalpur Bihar 813203.
 3. Navnita Sinha, Wife of Mr. Anil Kumar Sinha, resident at Khatuahari Pura v Bhag, Village Khatuahari, Anchal Kahalgaon, District- Bhagalpur Bihar 813203.

.... Petitioner/s

Versus

1. Axis Bank Limited, a body Corporate constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 and having its Branch Office at Patel Babu Road, Bhagalpur 812001 Bihar.
2. Authorised Officer, working for gain at AXIS Bank Limited, at Patel Babu Road, Bhagalpur 812001 Bihar.
3. Reserve Bank of India, a Principle Bank within the Meaning of Reserve Bank of India, Act 1934 inter alia Carrying out its functions from south Gandhi Maidan, Patna- 800001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kejriwal, Adv.
Mr. Mritunjay Prasad Singh, Adv.
For the RBI : Mr. Kaushal Kumar Jha, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 18-08-2018

Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the respondent no. 3-the Reserve Bank
of India.



Petitioners challenge the notice under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the ‘SARFAESI Act, 2002) dated 05.05.2018 issued by the respondent Axis Bank Ltd. under Section 13 (2) of the SARFAESI Act as contained in Annexure-4.

Petitioners have an alternative remedy of appeal before the Debt Recovery Tribunal under Section 17 of the SARFAESI Act, 2002.

This writ application is disposed off with a liberty to the petitioners approach the Debt Recovery Tribunal, Bihar, Patna.

The delay in filing of application before the D.R.T. would be condoned, if the petitioners file the same before the D.R.T. by 28th August, 2018.

It is hoped that the Bank will not take any action against the petitioners for dispossessing them from their residential house till 4th September, 2018.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2018
Transmission Date	NA

