

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4640 of 2018

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M/s Krishi Sewa Kendra, through its proprietor Shankar Kumar Goswami, S/o Sri Viswanath Goswami, Near Sai Guest House, Gulabbagh, P.S.- Sadar, District- Purnea.

.... Petitioner

Versus

1. The UCO Bank through its General Manager, 5th Floor Head Office 10, B.T.M. Sarani Kolkata- 700001.
2. The General Manager, UCO Bank, 5th Floor Head Office 10, B.T.M. Sarani Kolkata- 700001.
3. The Assistant General Manager, UCO Bank Zonal Office, Sona Jageshwar Complex, Traffic Chowk, Begusarai- 851101.
4. The Authorised Officer, UCO Bank Zonal Office, Sona Jageshwar Complex, Traffic Chowk, Begusarai- 851101.
5. The Branch Manager, UCO Bank, Purnea Branch, District- Purnea.

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Sanjeet Kumar,
Mr. Raj Kamal, Advocates

For the Respondents : Mr. Ranjeet Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-03-2018

Heard learned senior counsel for the petitioner as well as learned counsel for the respondents.

2. The present writ petition has been filed for quashing of the auction sale notice dated 23.02.2018, published in Hindi Dainik 'Hindustan' issued under the signature of the respondent no. 4, in exercise of his power under Section 13(4) of Securitization and



Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act') by which it has been declared that the assets and mortgage assets of the petitioner shall be auctioned on 27.03.2018.

3. Learned senior counsel for the petitioner submits that the auction sale of the mortgaged assets of the petitioner has been fixed on 27.03.2018 but however the petitioner prays for liberty to approach the respondent-Bank with a proposal for making payment of the entire dues by claiming the benefit of Section 13(8) of SARFAESI Act.

4. Learned counsel for the respondent-Bank appears and has been heard.

5. Having regard to the nature of the prayer of the petitioner, this Court is of the view that the ends of justice will be met if the petitioner is granted liberty to approach the Authorized Officer, UCO Bank, Zonal Office, Begusarai (respondent no. 4) within a period of one week from today with a proposal for liquidating the entire dues of the Bank. In such event, the respondent no. 4 shall consider and dispose of the representation on its own merits within a further period of one week. If the auction sale succeeds and sale is confirmed in favour of any auction purchaser, the respondent no. 4 shall refrain from issuing the sale certificate in favour of such auction purchaser for a period of 15 days from the date of auction and subject to any decision



taken on the petitioner’s proposal, if entertained.

6. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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