IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8041 of 2018

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Sanjay Kumar Yadav, S/o Late Yogendra Rai, Resident of Village- Bawanghat Sighara, P.O.- Singhara, P.S.- Mahua, District- Vaishali, (Bihar).

.... Petitioner

Versus

1. Central Bank of India, through the Regional Manager, Central Bank of India, Regional Office- Pawapuri Bihar, Bhagwanpur, Muzaffarpur.
2. The Branch Manager, Central Bank of India, Harpur Belwa Branch, P.O.- Harpur Belwa, P.S.- Tisiauta, Block- Mahua, District- Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Satya Prakash Sinha, Advocate.

For the Respondents : Mr. Ajit Kumar Sinha
Mr. Ajay Kumar Sinha
Ms. Manini Jaiswal, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-04-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed to quash the E-Auction Sale Notice dated 30.09.2018 of the respondent-Bank going to be held on 02.05.2018 regarding the mortgage property of the petitioner setting aside the order dated 20.04.2018 passed in S.A. No. 220 of 2017 by the Presiding Officer of the Debts Recovery Tribunal, Patna.

3. Learned counsel for the petitioner submits that the petitioner's S.A. No. 220 of 2017 has wrongly been dismissed by the Debts Recovery Tribunal, Patna and once again similar grounds have been raised in the writ petition as also dealt with by the Debts Recovery Tribunal such as non-service of notice under Section 13(2), publication of possession notice in only one Newspaper, and so on. The Debts Recovery Tribunal has not found merits in such submission

and after taking note of the submission on behalf of the Bank and materials on record. The main submission of the petitioner is that he is ready to make payment of the outstanding dues of the Bank in reasonable instalments.

4. It appears that the sale notice was issued on 30.03.2018 during the pendency of S.A. No. 220 of 2017 but no such plea appears to have been taken even before the Debts Recovery Tribunal, whether prior to publication of the sale notice or even thereafter. It is relevant to take note of the amendment of the provisions of 13(8) of the SARFAESI Act which limits the time for tendering the amount of dues of the secured creditor upto the date of publication of notice for public auction. Moreover, the petitioner has adequate remedy by way of statutory appeal before the Debts Recovery Appellate Tribunal.

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

6. In the above view of the matter, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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