

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6243 of 2018

=====

Nisha Kumari Bharatiya, Wife of Pawan Kumar Bhartiya @ Pawan Kumar Mittal, Resident of Village- Gola Road, P.O. & P.S.- Danapur, District- Patna, Pin Code - 801503 (Bihar).

.... Petitioner

Versus

1. The Bank of India Through Its Managing Director & Chief Executive Officer, Bank of India, Star House, C-5 "G" Block, Bandra Kurla Complex, Bandra (East), Mumbai.
2. The General Manager, Bank of India, Star House, C-5 'G' Block, 1st Floor, East Wing, Bandra Kurla Complex, Mumbai- 400051.
3. The Zonal Manager, Zonal Office, Patna Zone, 1st Floor, Chanakya Place, R-Block, Patna- 800001.
4. The Authorized Officer, Bank of India, Zonal Office, Patna Zone, 1st Floor, Chanakya Place, R-Block, Patna- 800001.
5. The Branch Manager, Bank of India, Danapur Branch, Patna.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate

For the Respondents : Mr. Rupak Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-04-2018

This matter has been taken up out of turn on the request of the petitioner in view of the e-auction of the mortgaged property, fixed to be held on 31.03.2018.

2. The present writ petition has been filed for quashing the E-Auction Notice dated 23.02.2018 for sale of the petitioner's mortgaged property in terms of the E-Auction Notice dated 23.02.2018 to be held on 31.03.2018 under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act").

3. Learned counsel appearing on behalf of the petitioner submits that default in payment of the loan occurred owing to



circumstances beyond the control of the petitioner. Learned counsel further states that the auction scheduled to be held on 31.03.2018 did not materialize. It is further submitted that the petitioner is ready and willing to make payment of the entire dues of the respondents.

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

5. This Court takes note that the petitioner has adequate statutory remedy before the Debts Recovery Tribunal (DRT) against the action taken by the bank for recovery of its dues which has however not been availed of.

6. In this view of the matter therefore, this Court is of the view that the ends of justice will be met if the petitioner is granted 45 days' time to approach the DRT for redressal of her grievances.

7. In the meantime, the e-auction may proceed, but the sale certificate shall not be issued in favour of the auction purchaser, if any, for the said period and thereafter subject to the orders of the DRT.

8. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.04.2018
Transmission Date	N.A.

