

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3456 of 2019

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Baba Narsinghnath Industries Pvt. Ltd., a Pvt. Ltd. Company having registered office at Phulhara, P.O.-Kalyanpur Chowk, P.s.- Kalyanpur, Distt.-Samastipur-848302 though its director Manoj Kumar Singh, aged about 49 years (male) son of late Indrakant Kumar, resident of Phulhara, P.O.-Kalyanpur Chowk, Ps.-Kalyanpur, Distt.-Samastipur-848302.

... .. Petitioner/s

Versus

1. The Allahabad Bank through its Managing Director cum CEO, Allahabad Bank, head office, 2 N.S.Road, Kolkatta, West Bengal-700001.
2. Chief Manager, Allahabad Bank, Zonal Office, Pani Tanki Chowk, Near Domino's, P.s.-Muzaffarpur, Bihar-842002.
3. Field General Manager, Allahabad Bank, Muzaffarpur Zone, Paras Complex, 3rd Floor, Lalpur, P.S.-Ranchi-834001.
4. Branch Manager, Allahabad Bank, Branch Samastipur Marwari Bazar, Basant Market, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pradeep Kr. Singh, Adv. Mr.Sanjeev Ranjan, Adv. Mr. Chittaranj Singh, Sr. Adv.
For the Respondent Bank:		Mr.Dayanad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-04-2019 After some argument, learned Senior Counsel submits that he may be allowed to withdraw the writ application with liberty to make a representation in terms of the general guidelines for Revival and Rehabilitation of Micro, Small and Medium Enterprises (MSMEs) whereunder, according to him, it is a duly constituted committee which will be looking into his request for restructure.

Learned counsel for the Bank submits that the Bank has already initiated a SARFAESI action against the petitioner as the account of the petitioner has been declared a 'Non Performing



Asset'. Action under Section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 has already been taken.

Without going into the merit of the contentions, since learned Senior Counsel has prayed to withdraw the writ application with liberty to pursue his remedy before a committee said to be constituted for this purpose, this Court permits the petitioner to withdraw this writ application and seek its remedy if any, available in accordance with the guidelines.

Let it be made clear that this Court has not gone into the merit of the contention and if any such request is made to the committee as has been claimed by learned Senior Counsel for the petitioner, it will be open for the committee to look into the aspects of the matter including as to whether the petitioner is eligible or the committee so constituted under the guidelines is meant for considering the case of this nature.

This application is, thus, disposed of in terms stated above.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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