

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10839 of 2018

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Bikash Pandey Son of Late Krishna Mohan Pandey, Resident of Village-
Gogari, P.S.- Gagari, District- Khagaria.

... .. Petitioner/s

Versus

1. The Union Of India through the Presiding Officer, Debt Recovery Tribunal, Wings “A” and “B”, 2nd Floor, Karpuri Thakur Sadan, Ashiyana Digha Road, P.S. - Rajiv Nagar, District – Patna.
2. The State Bank of India through the Chief Manager Stressed Assets Recovery Branch, 2nd Floor, Main Branch Building, West of Gandhi Maidan, P.S. - Gandhi Maidan, District – Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amit Kumar Anand, Advocate
For the Bank	:	Mr. Kaushalendra Kr. Sinha, Advocate
		Mr. Sunil Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-08-2019 Heard learned counsel for the petitioner and

learned counsel for the Bank.

Petitioner, in the present case, has challenged the judgment and certificate of recovery issued by the Debts Recovery Tribunal, Patna in exercise of it's power under Section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (hereinafter referred to as the 'Act of 1993'). The petitioner has been held liable to pay a sum of Rs. 16,79,21.94 together with pendente lite and future interest @ 9% per annum



simple from 30.08.2017 till realization of the entire sum due.

Learned counsel for the petitioner submits that a recovery proceeding has been initiated against the petitioner on the basis of the certificate of recovery issued on 18.04.2018 but the payment made by the petitioner during pendency of the original application before the Debts Recovery Tribunal between 14.09.2017 onwards have not been taken into account as the Bank did not amend the original application after filing of the same.

Learned counsel for the Bank submits that so far as the impugned judgment and certificate of recovery is concerned, it is an appealable judgment under Section 20 of the Act of 1993 and there being an adequate equal efficacious remedy of appeal available to the petitioner in view of the judgment of the Hon'ble Supreme Court in the case of **United Bank of India Vs. Satyawati Tondon** reported in **(2010) 8 SCC**



110, there is no reason as to why the Writ Application be entertained. Learned counsel, however, submits that in case the petitioner has made any other and further payments after the cut-off date mentioned in the original application, the same will be adjusted and for that the petitioner may approach the Recovery Officer by filing an appropriate application.

Having heard learned counsel for the parties and on perusal of the records, this court finds substance in the submission of learned counsel for the Bank.

The Writ Application is being disposed of as not entertained on the ground of there being an adequate equal efficacious remedy of appeal and in the light of the judgment of the Hon'ble Apex Court in the case of **Satyawati Tondon (supra)** if the petitioner, so advised, may file a statutory appeal within a period of 30 days from today. The appellate authority will consider the same on it's own merit keeping in view the period spent by the petitioner before this court.



As regards the payment made by the petitioner after the cut-off date mentioned in the original application, the petitioner shall bring it to the notice of the Recovery Officer who will examine the same and if found fit for adjustment will give credit of the said amount while seeking satisfaction of the Certificate of recovery.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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