

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10432 of 2016

1. M/s Castle Rock Infra Pvt. Ltd. having its registered office at B/301, Kailash Dham, Pleasant Park, Mira Bhayandar Road, Mira Road (East) Thane, Maharashtra-401 105. At present C/o Suresh Wasudeo Mongarkar, Village- Tilaidih, Itki More, Ranchi Patna Road, Surajpura, Padma Police Station- Barhi, District- Hazaribagh in the State of Jharkhand through its' duly authorized Director Shri Ravindra Kumar, son of late Sonelal Rai, resident of village- Mahua Singh Rai (West), Post Office & P.S.- Mahua, District- Vaishali.

2. Ravindra Kumar son of late Sonelal Rai, Director, M/s Castle Rock Infra Pvt. Ltd., resident of village- Mahua Singh Rai (West), Post Office & P.S.- Mahua, District- Vaishali.

... .. Petitioner

Versus

1. Bank Of Baroda, Hajipur Main Branch, Boobna Plaza, Cinema Road, Hazipur, Vaishali

2. Suresh Wasudeo Mongarkar, Son of Wasudeo Bannji Mongarkar, Director, M/s Castle Rock Infra Pvt. Ltd., B/301 Kailash Dham, Pleasant Park, Mira Bhayandar Road, Mira Road (East) Thane, Maharashtra-401 105

3. Vishnu Shukla, son of Tribhuvanath Shukla, Director, M/s Castle Rock Infra Pvt. Ltd., 129, Late Apartment CHSL, Khali Gaon, Bhayandar (East) Thane, Maharashtra-401105

4. Virupaxi Maharudrappa Badigar, Son of Maharudrappa Badigar, Director, M/s Castle Rock Infra Pvt. Ltd., 01, Radha Krishna Society, Tank Road, Kandivali (West), Mumbai

... .. Respondents

Appearance :

For the Petitioner/s : Mr. J. S. Arora, Sr. Advocate

For the Bank : Mr. Manish Kishore, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 08-08-2019 Heard Mr. J. S. Arora, learned Senior Counsel

representing the petitioner and Mr. Manish Kishore, learned

counsel representing the Bank.

This writ application has been preferred for setting aside

the order dated 21.12.2015 passed in O. A. No. 78 of 2015 by the

Presiding Officer of Debts Recovery Tribunal, Patna (hereinafter

referred to as the 'Tribunal') whereby the Tribunal has held that the



defendants-petitioners are liable to pay a sum of Rs. 4,07,92,934/- plus interest as on 12.03.2015. The Tribunal has awarded the interest pendentelite and future at the rate of 10% per annum from 12.03.2015 till the realization of the entire sum due and recoverable with costs.

Learned Senior Counsel has, after some arguments, realized that the judgment and certificate of recovery issued by the Tribunal is appealable before the Debts Recovery Appellate Tribunal and therefore, it would only be just and proper to prefer an appeal under special statute before the Appellate Tribunal and prays for withdrawal of the writ application with liberty to avail the remedy available to the petitioners under the special statute.

Learned counsel for the Bank has no objection to the same.

The writ application is thus, disposed of with liberty to the petitioners to seek their remedy before the Appellate Tribunal if so advised in accordance with law.

In case any question of limitation arises for consideration, the petitioners would be entitled to get the benefit of period spent in this court after filing of the writ application.

(Rajeev Ranjan Prasad, J)

avin/-

U			
---	--	--	--

