

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16161 of 2017

1. Sudhir Kumar Son of Late Ram Kumar Sinha,
2. Smt. Kaushaliya Devi, Wife of Late Ram Kumar Sinha, Both are Residents of Mohalla- Chitkohra, P.S.- Gardanibagh, District- Patna.

... .. Petitioners

Versus

1. The Union Bank Of India through it's Chairman-cum-Managing Director, Nariman Point, Mumbai.
2. The Deputy General Manager, Union Bank of India Patna Zonal Office, Nasheman Bhawan, Frazer Road, Patna
3. The Chief General Manager, Main Branch, Union Bank of India, Frazer Road, Patna.
4. The Authorised Officer, Main Branch, Union Bank of India, Frazer Road, Patna.
5. Sri Arvind Narain Singh, the then Branch Manager, Main Branch, Union Bank of India, Frazer Road, Patna
6. Sri Kumar Anand, the then Sr. Manager (Credit), Main Branch, Union Bank of India, Frazer Road, Patna
7. M/s Sonali Auto Pvt. Ltd., Vishnupuri Dangi Complex, Anisabad, Patna, through it's Director Bidhan Chand Roy
8. Sri Bidhan Chand Roy, son of Daroga Prasad Roy, Director of M/s Sonali Auto Pvt. Ltd., Resident of Mahavir Nagar Colony, Beur More, Anisabad, Patna.
9. Abhishek Roy, Son of Sri Bidhan Chand Roy, Director of M/s Sonali Auto Pvt. Ltd., Resident of Mahavir Nagar Colony, Beur More, Anisabad, Patna.
10. Smt. Kavita Roy, Wife of Sri Bidhan Chand Roy, Director of -M/s Sonali Auto Pvt. Ltd., Resident of Mahavir Nagar Colony, Beur More, Anisabad, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.S.K. Lal, Advocate
Mr. Pritish Kumar Lal, Advocate
For the Respondent/s : Mr.Vitesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-08-2019 This writ application has been preferred being
aggrieved by the notice issued to the petitioners under Sub-



section (2) of Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (hereinafter referred to as the 'Act of 2002')

Mr. Lal, learned counsel for the petitioners submits that the notice has been issued by the Bank giving a totally incorrect demand against the petitioners and the petitioners have raised an objection to the same within the given period of 60 days which has now been rejected in exercise of the power by the authorised officer under Section 13(3-A) of the Act of 2002. It is submitted that after filing of the writ application the communication in terms of Section 13(3-A) of the Act of 2002 has been received. Learned counsel has, however, confirmed that till date no action under Sub-section (4) of Section 13 of the Act of 2002 has been taken by the authorised officer of the Bank.

Learned counsel for the private respondent no. 7 to 10 is present.

In the given facts and circumstances of this case where it is an admitted position that no action under Sub-section (4) of Section 13 has been taken by the Bank till date, in the opinion of this Court, no cause of action has arisen to the



petitioners. A reference in this regard may be made to the proviso to sub-section (3-A) of Section 13 of the Act of 2002 read with the judgment of the Hon'ble Supreme Court in the case of Mardia Chemicals Ltd. & Ors. Vs. Union of India & Ors. reported in (2004) 4 SCC 311. The writ application as framed is thus not entertained. This Court leaves it open to the petitioners to seek their remedy in terms of the special statute itself if a cause of action arises to the petitioners in future.

The writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

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