

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5941 of 2017

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M/s Abdin Enterprises and Co. a partnership firm having its place of business at 405, Pushpanjali Complex, Boring Road, Patna through its proprietor namely Rahbar Abdin, S/o Sarwar Abdin, Resident of Flat No. 406, Pushpanjali Complex, Boring Road, Patna- 800001.

... .. Petitioner/s

Versus

1. The Canara Bank a banking company having its zonal office at 4th Floor, Luv Kush Tower, Exhibition Road, Patna through its Senior Manager (Recovery Cell)
2. The Deputy General Manager, Canara Bank, Circle Office, Patna.
3. The Authorized Officer, Canara Bank, Rajendra Nagar Branch, Arya Kumar Road, Patna.
4. The Senior Manager, Canara Bank, Rajendra Nagar Branch, Arya Kumar Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kant, Adv. Mr. Alok Kumar Jha, Adv. Mr. Atal Bihari Pandey, Adv.
For the Respondent/s	:	Mr. Manish Kishor, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 11-02-2019 It appears that the petitioner had undertaken to deposit a sum of Rs.88,31,179/- on or before 31st January, 2019 with the respondent-Bank, but has failed to deposit the same. At this stage, I.A. No.02 of 2019 has been filed for grant of extension of six months time for payment of the outstanding dues of the respondent-Bank.

By filing 2nd supplementary affidavit, the petitioner has brought on record several medical documents to submit that the petitioner is suffering from several health issues and for that reason he was unable to arrange the required funds within the



stipulated period. It is, however, submitted that in this month the petitioner will be definitely depositing a sum of Rs. ten lacs and the balance amount shall be deposited within a maximum period of six months from today.

At this stage, learned counsel representing the Bank submits that earlier, the recovery officer had issued sale notice for realization of the certain amount, however, no sale could take place at the relevant time. It is submitted that presently no fresh sale notice has been issued. It is also submitted that the order of the recovery officer is appealable under Section 30 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 before the Presiding Officer, Debts Recovery Tribunal, therefore in case any fresh sale notice is issued or the petitioner feels aggrieved by any order of the recovery officer he has an alternative statutory remedy of appeal before the Debts Recovery Tribunal.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that since presently there is no fresh sale notice for sale of the assets of the petitioner, the petitioner may approach the respondent bank for settlement, if so willing, and in case the petitioner is able to satisfy the bank that the settlement may take place in terms of its recovery



policy, the authorities of the bank shall definitely consider the same. In case the petitioner feels aggrieved by any order of the recovery officer he will have an opportunity to challenge the same before the Presiding Officer, Debts Recovery Tribunal in terms of the statutory remedy available to him.

This application is disposed off with the aforesaid liberty to the petitioner.

(Rajeev Ranjan Prasad, J)

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