

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11520 of 2019

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Amarjeet Kumar (Male) aged about 38 years, S/o Shyamnand Shah R/o-
Jhanda Chowk, Purnea Line Bazar, P.O. Purnea Line Bazar, P.S. Purnea Sadar

... .. Petitioner

Versus

1. The State of Bihar
2. The Department of Finance, State of Bihar, through its Principal Secretary.
3. The Chairman, State Bank of India State Bank of India, Madam Cama Road, Mumbai, Maharashtra-400021.
4. The General Manager, Local Head Office State Bank of India, Patna, Bihar,
5. The Chief Manager, Stressed Assets and Recovery Branch (SARB) Patna, Bihar.
6. The Chief Branch Manager, ADB Line Bazar, Purnea Branch, State Bank of India, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Mayank Kumar, Advocate
For the SBI	:	Mr. Santosh Kr. Singh, Advocate
For the Respondent/s	:	Mr. Shilpi Keshri AC to AAG10

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-08-2019 Heard learned counsel for the petitioner and

learned counsel for the Bank as also learned A.C. to

A.A.G.-X.

Petitioner, in the present case, is looking for an

interference with the ongoing recovery proceeding initiated

against him to realize the certificate amount of Rs.

99,69,514.29 issued by the Debts Recovery Tribunal, Patna

in O.A. No. 331/2017. The said certificate amount has been

awarded together with cost and *pendente lite* and future



interest.

Learned counsel for the petitioner submits that the Bank had certain duty and obligations to fulfill in terms of the loan sanction letter and because the Bank failed to perform its obligation it led to causing financial constraints to the petitioner.

Learned counsel for the Bank has opposed the writ application saying that the writ application is not fit to be entertained when it is an admitted position that the certificate of recovery is in existence, it has not been challenged and no stay of the operation of the certificate has been granted by the Appellate Tribunal.

Having heard learned counsel for the parties and on perusal of the records, this court finds that there is a certificate of recovery in terms of Section 19 of the Recovery of Debts and Bankruptcy Act, 1993 (hereinafter referred to as the “Act of 1993”). The certificate of recovery is not under challenge before the Appellate Tribunal and there is no stay of the recovery proceeding, in the opinion of this court, the plea which is being raised by learned counsel for the petitioner, at this stage, cannot be tested in a writ



jurisdiction. This court sitting under Article 226 of the Constitution of India would not interfere when the recovery proceeding is going on in accordance with law.

The writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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