

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4390 of 2018

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Vinod Kumar, Proprietor, M/S Silk Sansar, Son of Late Sattan Roy, Resident of Village-and Post Office-Pokhrai, Via-Singhia Khurd, P.S. District-Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principle Secretary, Industry Department, Patna.
2. The District Industry Department, Samastipur.
3. The General Manager, Allahabad Bank, Head Office-02, Netaji Subhas Road, Kolkata-700001.
4. The Deputy General Manager, Allahabad Bank, Zonal Office Muzaffarpur.
5. The Allahabad Bank, Branch Singhiakhurd, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Ataul Haque
For the Bank	:	Mr.Rajan Ghoshrahe
For the State	:	Mr. Ravish Chandra, AC to SC-6

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-08-2019 Heard learned counsel for the petitioner and learned counsel for the Bank.

Petitioner in the present case is aggrieved by and dissatisfied with the judgment and order dated 08.09.2017 passed in O.A. No. 611 of 2016 by which the original application under Section 19(1) of the Recovery of Debts due to Banks and Financial Institutions Act, 1993 (hereinafter referred to as the 'Act of 1993') preferred by the Bank has been allowed and the petitioner being a certificate debtor has been held liable to pay a sum of Rs. 35,26,818/-/- together with the pendente lite



and future interest at the rate of 10% per annum simple from 10.08.2016 till realization of the entire sum due and recoverable with costs.

It is the stand of the learned counsel for the Bank that there is an adequate and efficacious remedy of statutory appeal against the impugned judgment and certificate of recovery before the Debts Recovery Appellate Tribunal in terms of Section 20 of the Act of 1993. Learned counsel for the Bank submits that in the case of United Bank of India Vs. Satyawati Tondon reported in (2010) 8 SCC 110, the Hon'ble Supreme Court has by way of word of caution observed that in the kind of these matters where it relates to recovery of public money writ application need not be entertained and parties should be left to apply for the remedy provided under the special statute.

On perusal of the records and upon going through the judgment of the Hon'ble Supreme Court in the case of Satyawati Tondon (supra), this court is of the considered opinion that there is no reason as to why the writ application be entertained. The petitioners, if so advised, may seek their remedy before appropriate forum in accordance with the remedy provided under the special statute of 1993. If any such remedy is applied for and a question of limitation arises for consideration



the same will be considered keeping in view the period spent by
the petitioners before this court in the present proceeding.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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