IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13274 of 2019

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Sudhir Kumar Singh, aged about 42 years, Male, S/o Satyendra Kumar Singh At New Area near Girls High School, P.O. and P.S. and Distt.- Aurangabad

... ... Petitioner/s

Versus

1. The Branch Manager Main Branch, State Bank of India, Aurangabad P.S. and Distt.- Aurangabad.
2. Assistant General Manager Stressed Assets Recovery Branch, State Bank of India, 2nd Floor, Patna, Main Branch Building, West Gandhi Maidan, Patna
3. B.P.B.C. Pvt. Ltd. Recovery Agent, at Boring Road, Patna.
4. Officer In-Charge Police Station Phulwarisharif, Distt.- Patna

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Respondent/s : Mr.Kaushlendra Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 30-07-2019 Heard learned counsel for the parties.

Petitioner, in the present case, is seeking a writ of mandamus directing the respondents not to recover Rs. 30,76,896/- in connection with the loan amount in the three accounts of the petitioner. It is not in dispute that the petitioner had been sanctioned and disbursed loan from the State Bank of India, Aurangabad Main Branch, Aurangabad and had failed to repay the same.

By filing Interlocutory Application being I.A. No. 01/2019 the petitioner has sought a direction to the respondents to release the Bus No. BR26G-1001 and not to disturb Bus No. BR26H-0101.

In course of argument, learned counsel for the petitioner has categorically submitted that the petitioner is ready and willing to liquidate the loan amount, however he wants certain installments to be allowed for that purpose.

By filing a counter affidavit the respondent Bank has brought to the notice of this court the certificate of recovery issued against the petitioner in O.A. No. 534/2016 for Rs. 43,11,443/-. It appears that O.A. No. 534/2016 was filed by the respondent Bank for recovery of the outstanding amount against the petitioner. The petitioner, however, did not appear in the Debts Recovery Tribunal (in short the 'DRT') and the proceeding before the DRT went *ex parte*. Learned counsel for the petitioner submits that the petitioner was not aware of this proceeding before the DRT.

Be that as it may, since the petitioner is ready and willing to liquidate the loan amount, in the present circumstance, the only option available to the petitioner is to approach the respondent Bank and request them to allow him to pay the entire outstanding amount/certificate amount in few installments in accordance with the recovery policy of the Bank.

In case, the petitioner applies for grant of certain installments in order to liquidate the entire loan amount and to pay certificate amount, the respondent Bank shall consider the same and will take an appropriate decision keeping in mind the interest of the Bank in getting recovery of money. The petitioner will, however, be required to show his *bona fide* by depositing at least 20% of the certificate amount with the Bank at the first instance.

The decision shall be communicated to the petitioner within a period of 30 days from the date of submission of his request with payment of 20%.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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