IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14250 of 2019

==

Kundan Kumar Son of Baliram Sharma, Resident of Mohalla-Sri Krishnapuri Opposite R.N.A.R. College, Near P.N.B. Bank Road, P.S.-Samastipur, District-Samastipur.

... ... Petitioner

Versus

Authorized Officer Central Bank of India, Samastipur Branch, Kashipur, Near Girls High School, Samastipur-848101

... ... Respondent

==

Appearance :

For the Petitioner/s : Mr.Shambhu Nath Choubey, Advocate
For the Respondent/s : Mr.Ajay Kumar Sinha, Advocate

==

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 16-10-2019 Heard learned counsel for the petitioner and learned counsel representing the Bank.

Petitioner in the present case is seeking to challenge the order dated 02.05.2019 passed by learned Presiding Officer, Debts Recovery Tribunal, Patna (in short the 'Tribunal') in S.A. No. 164 of 2018. By the impugned order the learned Tribunal has been pleased to dismiss the challenge thrown to the possession notice dated 27.08.2018 issued by the authorized officer of the Bank in exercise of his power under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'Act of 2002').

Learned counsel for the petitioner submits that although the impugned order is appellable before the Debts Recovery Appellate Tribunal in terms of Section 18 of the Act of 2002, the submission of the petitioner is that if the Bank makes available the total calculation by which the demand amount of Rs. 35,39,595/- was reached, the petitioner on being satisfied with the same would be ready to pay the said amount. Learned counsel submits that with the demand notice no calculation-sheet was provided to the petitioner and that has made the petitioner unaware of the manner in which the demand has been raised.

Learned counsel for the Bank has opposed the writ application. It is submitted that so far as the impugned judgment of the Tribunal is concerned, it requires no interference there being an alternative remedy of appeal before the Debts Recovery Appellate Tribunal. So far as the plea of the petitioner that he was not made available the calculation chart is concerned, learned counsel for the Bank submits that this plea is being taken only at this stage as an afterthought and in case the petitioner is having a bonafide plea to pay back the amount due to the Bank, he may still obtain the calculation from the Bank and pay the amount as per the demand notice. To that extent pendency of a proceeding either before the Debts Recovery Tribunal or the Debts Recovery Appellate Tribunal is no bar in making payment of the outstanding amount to the Bank.

This Court finds substance in the submissions of the learned counsel for the Bank. Insofar as the impugned order is concerned, it requires no interference and in case the petitioner, if so advised, he may seek his remedy of appeal before the Debts Recovery Appellate Tribunal. If such an appeal is preferred by the petitioner, the same will be considered on its own merit and the question of limitation arising in the said appeal shall be considered keeping in view the period spent by the petitioner before this Court.

As regards the plea of the petitioner that he is ready to pay the amount on getting a calculation-sheet from the Bank, this Court is of the considered opinion that if the petitioner requests for a calculation-sheet showing the complete outstanding amount and the manner in which it has been calculated, the competent authority of the Bank shall make available to the petitioner within a period of 15 days from the date of receipt of the request of a complete calculation chart and it will be open for the petitioner to approach the competent authority of the Bank to liquidate the loan amount.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

arvind/ved

U			