

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16827 of 2019

1. Ajeet Kumar Sinha, Advocate S/o Late S.P. Ambastha, Presently Resident of Flat No- 517, 5th Floor, Block- D, Jyotipuram Apartment, Mohalla- Jagdeo Path, P.O.- B.V. College, P.S.- Shastri Nagar, Dist- Patna.
2. Nupur Srivastava W/o Sri Ajeet Kumar Sinha, Presently Resident of Flat No- 517, 5th Floor, Block-D, Jyotipuram Apartment, Mohalla- Jagdeo Path, P.O.- B.V. College, P.S.- Shastri Nagar, Dist- Patna.

... .. Petitioners

Versus

1. The Union of India through its Finance Secretary, Ministry of Finance, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi, Delhi- 110001.
2. Reserve Bank of India, through Chief General Manager, Reserve Bank of India, New Central Office Building, Shahid Bhagat Singh Rd, Fort, Mumbai, Maharashtra- 400001.
3. The Managing Director-cum-Chief Executive Officer, I.C.I.C.I. Bank Ltd, 4 Laxmi Towers, Kurl Complex, B Wing, Bandra Kurla Complex Road, G Block BKC, Bandra Kurla Complex, Bandra East, Mumbai, Maharashtra- 400051.
4. The Regional Manager, I.C.I.C.I. Bank Ltd., Landmark Building, Fourth Floor, 228 A, AJC Bose Road, Kolkata, West Bengal- 700020.
5. The Zonal Manager, I.C.I.C.I. Bank Ltd, Plot No-6 B, Sahdeo Mahto Marg, Sri Krishna Puri, Boring Road, Patna- 800001.
6. The Branch Manager, I.C.I.C.I. Bank Ltd, Plot No- 6 B, Sahdeo Mahto Marg, Sri Krishna Puri, Boring Road, Patna- 800001.

... .. Respondents

Appearance :

For the Petitioner/s	:	None
For the Res. No. 3 to 6	:	Mr.Rajesh Ranjan I, Advocate Mr.Atul Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-10-2019 No one appears for the petitioners.

Learned counsel for the Respondent Nos. 3 and 6 is

present.

Petitioners in this case are aggrieved by the action of

the Bank taking symbolic possession of the secured assets under



the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'SARFAESI Act, 2002').

Learned counsel for the Bank submits that under the provisions of the SARFAESI Act, 2002 which is itself a complete Code, there is a provision for appeal under Section 18 whereunder the petitioners can approach the appellate authority against the impugned order. He also relied upon the judgment of the Hon'ble Supreme Court in the case of **United Bank of India Vs. Satyawati Tondon & Ors.** reported in (2010) 8 SCC 110 to submit that there being a special statute and special forum created thereunder, this writ application need not be entertained unless the petitioners exhaust the alternative statutory remedy of appeal.

On perusal of the records and after hearing learned counsel for the Bank this Court is of the considered opinion that on the face of there being an adequate and alternative remedy of appeal under the SARFAESI Act, 2002, keeping in view the observations of the Hon'ble Supreme Court in Paragraph '43' in the judgment of **Satyawati Tondon** (supra) this Court need not entertain this writ application particularly when no reason otherwise has been shown to this Court.

This writ application is, thus, disposed off with liberty



to the petitioners to seek their remedy before the appropriate forum in accordance with law. If any such remedy is applied for and a question of limitation arises for consideration, the same shall be considered keeping in view the period spent by the petitioners before this Court.

(Rajeev Ranjan Prasad, J)

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