

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3228 of 2018

Ridhi Nath Jha, Chairman Cum Managing Director S/o Sri Trilok Nath, Dev Kripa Realcon Limited, Kathal Bari, Darbhanga Pin- 846004. Resident of 88, Darwar Lavani Benipur, Lavani, Darbhanga, Bihar- 847201.

... .. Petitioner/s

Versus

1. Indian Overseas Bank having its Central Office at 763, Anna Salai, Chennai 600002
2. Indian Overseas Bank, Regional Office at Naseema House, 2nd and 3rd Floor, West Gandhi Maidan, Patn
3. Indian Overseas Bank through it Branch Manager, Kathal Bari, Darbhanga- 846004.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bishwajeet Kumar, Advocate
For the Respondent/s : Mr.Sanjay Singh Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-08-2019 Heard learned counsel for the petitioner and learned counsel representing the Bank.

Pursuant to the last order dated 04.12.2018 learned counsel for the Bank has placed before this Court a statement of Accounts. Copy of the same has been made available to learned counsel for the petitioner.

In the given facts of this case where admittedly the Debts Recovery Tribunal (hereinafter referred to as the 'Tribunal) has passed a certificate of recovery in terms of Section 19 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 and for satisfaction of that certificate a recovery proceeding is going on before the



Recovery officer of the Tribunal, in the opinion of this court, there is no reason to entertain this writ application and no interference is called for by exercising its extra ordinary writ jurisdiction under Article 226 of the Constitution.

Learned counsel for the petitioner submits that after passing of the certificate of recovery the petitioner has been making payments towards satisfaction of the certificate and something around Rs. 35 lakhs is said to have been paid so far. Again, this Court would not be going into any such issue in a matter of calculation when evidently the certificate is pending before the Recovery Officer and the petitioner who is said to be the certificate debtor has got all opportunity to satisfy the Recovery Officer with the payments made and that the certificate is satisfied.

The writ application is disposed of with liberty to the petitioner to participate in the recovery proceeding and take all such steps which are required before the Recovery Officer.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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