

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1772 of 2018

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1. M/s Gupta Ji Brother Rice Mill Pvt. Ltd. Through Its Director/ Promoters , Shri Rajeev Ranjan Kumar, Son of Ganesh Prasad Gupta, Resident of village and P.O.- New Sidhauli, Dalmiya Nagar, P.S.- Dehri-on- Sone, District- Rohtas.
 2. Rajeev Ranjan Kumar, Son of Ganesh Prasad Gupta, Resident of Village- New Sidhauli, P.S.- Dehri- on-Sone, District- Rohtas.
 3. Ganesh Prasad Gupta, Son of Late Hari Charan Gupta, Resident of Village- New Sidhauli, P.S.- Dehri- on-Sone, District- Rohtas.
 4. Ashok Kumar @ Ashok Prasad Gupta, Son of Ganesh Prasad Gupta, Resident of Village- New Sidhauli, P.S.- Dehri- on-Sone, District- Rohtas.
 5. Dilip Kumar, Son of Ganesh Prasad Gupta, Resident of Village- New Sidhauli, P.S.- Dehri- on-Sone, District- Rohtas.

... .. Petitioner/s

Versus

1. Punjab National Bank, Branch Office, Dalmiya Nagar, P.S. - Dehri-on-Sone, District – Rohtas, through its Branch Manager.
2. The State of Bihar through the Principal Secretary, Industry Department, Govt. of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.
For the Respondent/s	:	Mr.Kumar Priya Ranjan, Advocate Mr. Pallav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 27-08-2019 No one appears on behalf of the petitioners.

Learned counsel for the Bank is present.

In absence of learned counsel for the petitioners
this court is disposing of the writ application on the face of
the materials available on the record.

It appears from the prayer portion of the writ
application that the petitioners are aggrieved by the



judgment and order dated 02.08.2017 passed in O.A. No. 559 of 2016 as contained in Annexure '10' to the writ application 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 petitioners being a certificate debtor have been held liable to pay a sum of Rs. 8,39,09,584/- together with the *pendente lite* and future interest at the rate of 10% per annum simple from 01.07.2016 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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