

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5622 of 2021

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Saurav Kumar Singh, son of Ashok Kumar Singh, resident of village Thana More, P.O.- Dev, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar, through Secretary, Finance Department, Govt. of Bihar, Patna
2. The Recovery Officer, Debts Recovery Tribunal 2nd Floor, A, B & F Wing Karpuri Thakur Salon Ashiana- Digha Road, Patna
3. The Regional Manager, Punjab National Bank, Aurangabad.
4. The Sr. Branch Manager, Punjab National Bank Branch Office Dev, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s	:	Ms. Anuradha Singh, SC-21
For the Bank	:	Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

(i) For quashing the Judgment and order dated 08.2.2019 passed by Sri R.M. Kushawaha presiding Officer, Debt Recovery Tribunal, Patna in



O.A.no.749/2018 by which application filed by the Bank was allowed ex-parte and further it has been ordered to Bank to receive 10,06,727/- from the petitioner with Interest of 10% P.A simple from 15.07.2016 till the realization of entire dues.

(ii) For quashing the notice dated 30.04.2019 issued by Recovery Officer by which petitioner has been directed to appear before recovery Officer on 20.06.2019 in connection with R.P.N No. 180/2019.

(iii) Further for a direction to the respondent authorities provide a detail report with regard to deposited amount by the petitioner and after adjusting the deposited amount in main loan amount provide the figure of total dues amount excluding the panel Interest so that petitioner may pay the dues annum on installment basis.

(iv) For any other order/orders on the basis of facts and circumstances stated herein after of the case.

Shri Kumar Priya Ranjan, learned counsel for the respondent Bank informs that as on date petitioner is to pay a sum of Rs. 19,25,358/- to the Bank.



Shri Shailesh Kumar Singh, learned counsel for the petitioner states that petitioner is ready and willing to enter into One Time Settlement with the respondent Bank, and to establish his *bona fides*, is ready and willing to deposit 10 per cent of the said amount.

Let the petitioner deposit 10 per cent of the said amount with the respondent Bank, within a period of four weeks from today by also giving a proposal as to how the petitioner would repay the amount.

We are hopeful that the respondent Bank would also take a lenient view and waive off the component of interest, to the extent possible in terms of the scheme of settlement and also fix installments to enable the petitioner to repay the amount arrived at by mutual consent. Needless to add, such exercise has to be made in accordance with the guidelines issued by the Reserve Bank of India, binding the respondent Bank. Till such time the exercise is completed, no coercive steps shall be taken against the petitioner. Liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law.

Finding the offer and the intent of the petitioner to be *bona fide*, we have passed the order.



The instant petition stands disposed of in the
aforesaid terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	17.12.2021
Transmission Date	

