

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8436 of 2021

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M/s Pragana Danwar Food Processor Pvt. Ltd. having its Regd. Office 110KA, A/14, Bank of India Colony, Near B.V. College, Patna through Nagbansh Singh, Male-70 years, S/o Late Hari Narayan Singh, A-14, Bank of India Colony, Ram Nagri More, Ashiayana Nagar, P.S.- Shastri Nagar, Patna

... .. Petitioner/s

Versus

1. Union Bank of India pursuant to amalgamation of Corporation Bank and Andhra Bank into Union Bank of India Scheme, 2020, issued by Government of India vide Gazette Notification dt. 4th March, 2020 through Chairman, Union Bank of India, 239, Vidhan Bhawan Marg, Naiman Point, Mumbai
2. Authorized Officer/Chief Manager, Union Bank of India, Regional Office, Chunni Plaza Complex-B, Near NMCH, Kankarbagh, Patna
3. Branch Manager, Union Bank of India, Hathikhana, Danapur Cantt, Danapur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Jha, Advocate
For the Respondent/s : Mr. Kumar Alok, 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):-

1. That the writ petition is being filed for quashing the entire proceeding under Section 13(4) of the Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (hereinafter referred to as SARFAESI Act) after the judgement dt. 11.02.2019 passed in SA 153 of 2017 w/s 17(3) of the SARFAESI Act.



For further declaration that in view of the judgement dt. 11.02.2019 passed in SA 153 of 2017 by which Ld. Presiding Officer, Debt Recovery Tribunal, whereby Tribunal set aside the entire SARFAESI Action initiated by respondent no.2, the issuance of sale notice dt. 18.06.2020 is void and is an offence u/s 29 of SARFAESI Act,2002 and the Authorized Officer is liable for punishment with imprisonment for a term of one year or with fine or with both.

The petitioner further prays for issuance of any other appropriate writ/writs, order/orders and/or direction for which petitioner may be found entitled.

It is not disputed that challenging the order dated 11th of February, 2019 passed by the Debt Recovery Tribunal, Patna, in S.A. No. 153 of 2017, titled as M/s Pragana Danwar Food Processor Pvt. Ltd. & Ors. Vs. The Authorized Officer/Chief Manager, Corporation Bank & Ors. (Annexure-4), the respondent Bank has preferred an appeal, which is pending before the competent authority.

It is the case of the petitioner that despite the respondent Bank having lost its case before the Debt Recovery Tribunal, the respondent Bank is pursuing the matter for recovery of the amount by taking coercive steps.

In our considered view, all these pleas can be conveniently taken by the present petitioner, who is a party respondent in the proceedings initiated by the Bank, before the Appellate Forum.



As such, we dispose of the present petition, reserving liberty to the petitioner to raise all such pleas in the proceedings initiated by the Bank, before the Appellate Forum.

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	

