

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5937 of 2020

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Santosh Kumar Tyagi son of Shyam Prasad, resident of Tini Lodipur, P.S.-
Chandi, District- Nalanda

... .. Petitioner/s

Versus

1. The Dakshin Bihar Gramin Bank, Head Office Shri Vishnu Commercial Complex, N.H. 30, New Bypass, Near B.P. Highway Services Petrol Pump Ashochak, Patna 800016 through its Chairman
2. The Chairman, Dakshin Bihar Gramin Bank, Head Office Shri Vishnu Commercial Complex, N.H. 30, New Bypass, Near B.P. Highway Services Petrol Pump Ashochak, Patna 800016
3. The Regional Officer, Dakshin Bihar Gramin Bank, Biharsharif
4. The Branch Manager, Dakshin Bihar Gramin Bank, Lodipur Nagarnausa, Nalanda (Biharsharif)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate

For the Respondent/s : Mr. Mahesh Narayan Prabat, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2021

Heard learned counsel for the parties.

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

“1(a). For quashing the notice no. 8096-
2019/2020 dated 16.12.2019 issued under the
signature of the Authorized Officer of Dakshin



Bihar Gramin Bank, calling upon the petitioner to pay the amount of Rs. 58,23544/- plus interest thereon and other charges with further interest at the contracted rate until payment in full within 60 days from the date of notice, failing which the Bank, besides exercising other rights available to it under law, would exercise power under section 13(2) of Securitization of Reconstruction of Financial Assets and Enforcement Security Interest Act 2000 (Annexure-5).

(b) For grant of an appropriate writ to accept the amount settled between the petitioner and the bank (Rs. 420000/-) after deducting the amount of Rs. 2200000/ already paid to the respondent under the settlement.”

Learned counsel for the petitioner states that in terms of One Time Settlement Scheme, he has already deposited ₹22 lacs and the remaining amount of ₹20 lacs could not be deposited on account of undue hardship emanating out of circumstances beyond his control, and more so, current pandemic Covid-19. Petitioner is ready and willing to deposit the remaining amount of ₹20 lacs along with interest accrued thereupon, in equal monthly installments spread over a period of six months.

Statement accepted and taken on record.



On the other hand, it is pointed out by the learned counsel appearing for the Bank that as on date, petitioner is liable to pay a sum of ₹58 lacs (approx.) plus interest thereupon, and the sum of ₹22 lacs already deposited, stands adjusted against the outstanding amount. The figure of ₹58 lacs is after adjustment of the said amount.

Statement accepted and taken on record.

As such, the petition stands disposed of in the following terms:-

(a) Petitioner shall represent to Respondent No. 2 namely The Chairman, Dakshin Bihar Gramin Bank, Head Office Shri Vishnu Commercial Complex, N.H. 30, New Bypass, Near B.P. Highway Services Petrol Pump, Ashochak, Patna 800016, placing on record all documents in support of his contention as also make himself available for a meeting in the chamber of the said respondent on 6th of December, 2021 at 10:30 A.M.;

(b) We are hopeful that the said respondent shall take a decision accounting for all the attending facts and circumstances, including current pandemic Covid-19;

(c) Respondent No. 2 shall take a decision within a period of eight weeks from the date of filing of the



representation along with a copy of this order, of course after complying with the principles of natural justice;

(d) Liberty is reserved to the petitioner to take recourse to the remedies as are otherwise available in accordance with law, should the need so arises subsequently;

(e) We have not expressed any opinion on merits. All issues are left open;

The 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	25.11.2021
Transmission Date	

