

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5040 of 2020

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Md. Ziaul Haque Ansari @ Md. Ziaul Haque son of Md. Ali Hasan Ansari,
resident of village Neema rang, P.S. and Dist. Jamui.

... .. Petitioner/s

Versus

1. Dakshin Bihar Gramin Bank through Authorized Officer, Regional Office, Jamui, Azem Palace, Bhachhiyar, Khaira Road, Jamui, having its registered office at Shri Vishnu Commercial Complex, NH 30, New Bye pass, Near BP Highway Services Petrol Pump, Asochak, Patna 16.
2. Authorized Officer, Dakshin Bihar Gramin Bank, Regional Office, Azem Palace, Bhachhiyar, Khaira Road, Jamui.
3. Regional Manager, Dakshin Bihar Gramin Bank, Regional Office, Azem Palace, Bhachhiyar, Khaira Road, Jamui.
4. Branch Manager, Dakshin Bihar Gramin Bank, Jamui Branch, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan Singh, Adv.
For the Respondent/s	:	Mr. M.N. Parbat, Sr. Adv. Mr. Praveen Prabhat, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-10-2021 Heard Mr. Prabhat Ranjan Singh, learned counsel for the petitioner and Mr. M. N. Parbat, senior counsel for the respondents-bank.

The petitioner has filed the present writ application for a direction to the Respondents-bank not to hold auction for sale of the petitioner's mortgaged assets under the SAFAESI Act.

After some arguments, learned counsel for the petitioner submits that the petitioner is ready to pay the outstanding dues calculated by the Bank in four quarterly



installments within one year.

Learned senior counsel for the Bank submits that as per his instruction a sum of Rs. 39,07,635/- is total outstanding amount payable by the petitioner as on 29.09.2021.

Learned counsel for the petitioner submits that 1/4th of the outstanding amount of Rs. 39,07,635/- will be paid by the petitioner on or before 4th January 2022 i.e., within three months from today as first installment and the balance amount along with applicable interest shall be paid in subsequent three quarterly installments i.e., within one year from today.

Learned senior counsel for the bank accepts the offer made by the petitioner and submits that in order to show his *bona fide* the petitioner should pay at least some of the amount immediately towards the first installment and the balance amount of first installment should be paid by the petitioner within three months i.e., on or before 4th January 2022.

Learned counsel for the petitioner, in turn, submits that within fifteen days, the petitioner will pay a sum of Rs. 2 Lacs towards first installment and the rest amount of first installment shall positively be paid on or before 4th of January 2022.

Accordingly, with consent of the parties, the petitioner



is directed to pay the total outstanding amount of Rs. 39,07,635/- to the Bank in four quarterly installments within one year from today and the part amount of Rs. 2 Lacs of first installment shall be paid by the petitioner within fifteen days and the remaining amount of the first installment shall be paid by the petitioner to the Bank on or before 4th January 2022. The petitioner is also directed to pay other three installments within a period of one year in equal three installments along with applicable interest till the date of payment, failing which the Bank will be at liberty to take necessary measures to realize the amount along with interest in accordance with relevant provision of law.

In view of the aforesaid direction the recovery proceeding pending before authorized officer under SARFAESI Act is kept in abeyance.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Anil Kumar Sinha, J)

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