

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6068 of 2020

Kakan Rice Mill Pvt. Ltd. a company incorporated under the Indian Companies Act, 1956 having its Registered office at 2nd Floor, A/5, Grand Chandra, Fraser Road, P.s.- Gandhi Maidan, Patna-800001, represented through its Managing Director, Sri Bhupendra Singh, S/o Sri Ram Kumar Singh, Gender- Male, aged about 57 years, R/o 22B, Hari Ji Ka Hata, Nawada Ara, P.s.- Nawada Ara, Bhojpur, Arrah, Bhojpur, Bihar-802301

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Banking Division, Ministry of Finance, Government of India, New Delhi
2. The Reserve Bank of India through its Chief General Manager-in-charge
3. Bank of Baroda, Shree Krishnapuri Branch, Nawal Arcade, Shrikrishnapuri, Boring Road, Patna-800001
4. The Authorised Officer Bank of Baroda, Shree Krishnapuri Branch, Nawal Arcade, Shrikrishnapuri, Boring Road, Patna-800001
5. The Regional Manager, Bank of Baroda, Boring Canal Road, Patna-800001
6. The General Manager, Bihar, Orissa and Jharkhand, Bank of Baroda, Boring Canal Road, Patna-800001
7. The General Manager (N.P.A. Recovery) Bank of Baroda, Baroda Corporate Centre, Bandra Kurla Complex, G Block, Mumbai-400051

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sheela Sharma, Advocate
For the Respondent/s : Dr. Anshuman, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-11-2021 The petitioner has prayed for following reliefs:-

“(i) For issuance of a writ in the nature of certiorari quashing the letter dated 24.2.2020 whereby and wherein, the Respondent - Bank of Baroda has erroneously rejected the representation dated 11.2.2020 without giving due consideration to the points and the requests as made in the said representation.



(b) For issuance of a writ in the nature of certiorari quashing the demand notice dated 18.12.2019 issued under the Provisions of Section 13(2) of the SARFAESI Act whereby and wherein the entire loan facility as standing due towards the loan account has been recalled and the Petitioner has consequently been asked to make payment of the entire due amount which aggregate to Rs.10,62,83,307.00 within the statutory period of 60 days from the receipt of the notice.

(c) For issuance of a writ in the nature of mandamus directing the Respondent Bank of Baroda to consider the case of the Petitioner Unit for restructuring/ rephasing as requested in the representation dated 11.2.2020 as submitted by the Petitioner and for a further direction consider the said representation in the backdrop of the Reserve Bank of India Guideline dated 1.1.2019 issued to the Banks and the NBFCs for restructuring of loans /advances to the MSME Sector.

(d) For issuance of appropriate writ/ order / direction restraining the Respondent Bank of Baroda from taking any further steps U/S.13(4) of the SARFAESI Act in pursuance to the Demand Notice dated 18.12.2019 pending consideration of request for restructuring/ rephasing of the loan account of the Petitioner.

(e) For any other relief / reliefs as your Lordships may deem fit and proper in the facts and circumstances of the case.

Learned counsel for the petitioner states that during the pendency of the present petition, parties have initiated proceedings before the appropriate authorities, under the provision of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act and would be



pursuing the same. As such, he seeks permission to withdraw the present petition.

Permission granted.

Petition is dismissed as withdrawn.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(P. B. Bajanthri, J)

Vikash/
Sujeet/-

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