

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10088 of 2021

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M/S Saraswati Enterprises, Proprietor, Sanjay Kumar, Male, aged about 35 years, son of late Satya Narayan Singh, resident of Ward No. 3, Takiya, P.O.- Takiya Bazar, Police Station- Sasaram (Model), District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Authorised Officer, Bank of Baroda, Sasaram, P.O. and P.S. Sasaram, District- Rohtas.
3. Bank of Baroda, Main Branch, Himanshu Market, Old G.T. Road, Sasaram, District- Rohtas, Bihar.
4. The Regional Manager, Regional Office, Bank of Baroda, Anand Bihar, 4th Floor, West Boring Canal Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Respondent/s : Mr. Vivek Prasad, 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

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

1. That, this writ application is being filed for issuance of writ in nature of certiorari or any other appropriate writ, order or direction for setting aside the order dated 23.03.2021 passed by the Debts Recovery Appellate Tribunal Allahabad dated 23.03.2021 passed in Regular Appeal No.88/2018 u/s 18 of the Scrutinization



and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2012 and (for short the "SARFAESI Act) and order dated 17.01.2017 passed by the Presiding Officer DRT Patna in S.A. No.140/2017 and order dated 24.01.2018 passed in Review Petition. And for grant of any other relief or reliefs for which the petitioner deemed to be entitled.

The present petition, in our considered view, is totally misconceived, inasmuch as, the petitioner has lost before both the forums, constituted under a special statute.

Vide judgment dated 17.10.2017, the petitioner's application, being S.A. No. 140 of 2017, titled as M/s Saraswati Enterprises Prop. Sanjay Kumar Vs. Authorised Officer, Bank of Baroda, Sasaram & Ors. (Annexure-2), was dismissed by the Debt Recovery Tribunal, Patna, which order was affirmed by the Debt Recovery Appellate Tribunal in Regular Appeal No. 88 of 2018, titled as M/s Saraswati Enterprises, Proprietor Sanjay Kumar Vs. Authorized Officer, Bank of Baroda, Sasaram & Ors. vide judgment dated 23rd of March, 2021 (Annexure-7). As per the record, as on 4th of April, 2017, petitioner was liable to pay a sum of ₹52,36,071/- to the respondent Bank.



We find no reason to interfere with the findings returned by the authorities below, for there is neither any perversity nor illegality. Also, the petitioner has a remedy of preferring an appeal against the order of Debt Recovery Appellate Tribunal.

In the circumstances, the present petition stands dismissed.

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	

