

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11525 of 2021

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M/s. Budhu Mini Rice Mill through its Proprietor Most. Nagvnti, Kuwar (female), aged about 40 years, wife of Late Birendra Singh, resident of Village - Panditpura, P.O.- Akorha, District - Rohtas (Bihar).

... .. Petitioner/s

Versus

1. Madhya Bihar Gramin Bank, now South Bihar Gramin Bank through its Chairman, Vishnu Commercial Complex, beside National Highway Petrol Pump, Aso Chak, Patna - 800013.
2. The Regional Manager, Madhya Bihar Gramin Bank, now South Bihar Gramin Bank, Regional Office, Sasaram, District - Rohtas.
3. The Branch Manager, Madhya Bihar Gramin Bank, Branch Office, now South Bihar Gramin Bank, Dinara Branch, District - Rohtas, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Saroj Kumar
For the Respondent/s	:	Mr.Manoranjan Kumar Mishra
		Mr. Shiv Pratap

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL JUDGMENT

Date : 01-11-2021

Heard learned Counsel for the parties concerned.

2. The petitioner has preferred this writ application against the order, dated 06.02.2017, passed by the Presiding Officer, Debts Recovery Tribunal, Patna, in O.A. No. 510 of 2016, by which a Recovery Certificate for a sum of R. 29,30,927/- has been issued against the petitioner along with pendente lite and future interest at contractual rate. The petitioner has also prayed for quashing the recovery certificate issued for the recovery of Rs. 29,30,927/-.



3. On the other hand, learned Counsel for the respondents-Bank submits that under Section 20 of the Recovery of Debts and Bankruptcy Act, 1993, against any order passed by the Debts Recovery Tribunal, an appeal is maintainable before the appellate authority having jurisdiction in the matter, but the petitioner, instead of preferring an appeal, has challenged the order passed by the Debts Recovery Tribunal and the recovery certificate before this Court, which is not maintainable. He placed the order, dated 06.10.2021, passed in R. P. Case No. 116 of 2017 and from perusal of the same, it appears that an offer was made by the certificate debtor before the Recovery Officer showing their intention to pay the certificate amount and in order to show their bona fide, the certificate debtor has deposited a sum of Rs. 15,00,000/- before the Recovery Officer.

4. Learned Counsel for the respondent-Bank further submits that in view of the offer made by the certificate debtor, the Chief Manager of the respondent-bank admitted that they would consider the proposal of the certificate debtor sympathetically if they come with such proposal and accordingly, the Recovery Officer granted time to the petitioner to approach the concerned bank for compromise and kept the matter for further recovery proceeding on 02.11.2021. He, referring to the order, dated



29.09.2021, passed by the Recovery Officer, submits that in view of the fact that the petitioner has deposited a sum of Rs. 15,00,000/- before the Recovery Officer, the e-auction of the mortgaged property of the petitioner could not be held.

5. Learned Counsel for the petitioner, in reply, submits that the Bank Officials are not responding and the petitioner is still ready to deposit the entire certificate amount along with simple interest.

6. Regards being had to the submissions advanced on behalf of the parties concerned and in view of the fact that the recovery order passed by the Debts Recovery Tribunal is appellable before the appellate authority and the certificate of recovery is already the subject matter before the Recovery Officer, in R.P. Case No. 116 of 2017, in my opinion, this writ application is not maintainable.

7. However, considering the offer made by the petitioner to deposit the entire certificate amount along with simple interest, it will be open to the Bank as well as the Recovery officer to consider the same in accordance with law and taking into consideration the fact that the petitioner is a widow.

8. With the aforesaid observation and direction, this writ application is disposed.



9. There shall be no order as to costs.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03-11-2021
Transmission Date	N/A

