

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 14586 of 2021

=====

M/s Ynrji Industries through its Proprietor Mr. Rajiv Rajan Panday, (Male),
aged about 42 years, S/o Mr. Rajanikant Pandey, At. Bhadasara, P.O. - Kakila,
Anchal - Jagdishpur, Dist. - Bhojpur - 802158.

... .. Petitioner/s

Versus

1. The Zonal Manager Bank of Baroda 4th Floor, Anand Vihar, West Boring Canal Road, Patna, Bihar - 800001
2. The Regional Manager Bank of Baroda, 4th Floor, Anand Vihar, West Boring Road, Patna, Bihar - 800001.
3. The Branch Manager, Bank of Baroda, Mahavir Tola Branch, Ara, Bhojpur - 802301.
4. Authorised Officer, Bank of Baroda, Mahavir Tola Branch, Ara, District - Bhojpur - 802301

... .. Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Rajendra Nath Sinha, Advocate

For the Respondent/s : Mr. Shivendra Roy, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 03-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing



the notice dated 31.07.2021, issued by the respondent Bank, under Section 13(4) of the SARFAESI Act, 2002 and the date of auction has been fixed as 18.08.2021.

At the outset, the learned counsel for the petitioner seeks liberty to approach the learned Debt Recovery Tribunal, Patna by filing appropriate petition under Section 17 of the Sarfaesi Act, 2002, against the aforesaid action of the Bank but submits that since the auction process is going on, some protection be granted during the interregnum period.

Per contra, the learned counsel for the respondent Bank Shri Shivendra Roy submits that even if the auction is successful, it would take some time to execute the conveyance deed.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off as not pressed, however, with liberty to the petitioner to approach the Ld. Debt Recovery Tribunal, Patna for redressal of his grievances. Nonetheless, considering the prevailing situation on account of COVID-19 Pandemic, this Court would direct the respondent Bank not to issue the sale certificate of the property in question, in case the auction sale fructifies, for a period of two weeks from today, in order to enable the petitioner to



approach the learned D.R.T., Patna and seek appropriate relief/interim relief.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

