

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 14994 of 2019

M/S INFOPI TRADERS through its Proprietor Mr. Kumar Rahul Anand son of late Raman Kumar Verma, age about 25 years, Gender- Male, residence of Kajipur, Nayatola, P.S. Kadamkuan, P.O. Bankipur, District Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Finance Department, Government of India, New Delhi.
2. Allahabad Bank, Patna Main Branch through its Asst. General Manager, Budha Marg, Patna (Bihar).
3. The Assistant General Manager, Allahabad Bank, Patna Main Branch, Budha Marg, Patna (Bihar).
4. The Senior Manager, Allahabad Bank, Patna Main Branch, Budha Marg, Patna (Bihar).
5. The Advance Manager, Allahabad Bank, Patna Main Branch, Budha Marg, Patna (Bihar).
6. The Authorized Officer, Allahabad Bank, Patna Main Branch, Budha Marg, Patna (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nitesh Kumar, Adv.

For the Responden/s : Ms. Nishi Nath Ojha, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 10-08-2021

The instant case petition 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 seeking the following reliefs:-

- (i) Issuance of writ of Certiorari to quash the annexure-6 of the writ petition i.e. notice under section 13(2) of the Securitization and Reconstruction of Finance assets and Enforcement of Security Interest Act 2002 (hereinafter referred to as SERFAESI Act) dated 25.03.2019 issued by the respondent no. 6 by which he has directed to pay the total loan amount with interest amounting to Rs. 30,77,903.00 otherwise proceeding under section 13(4) of the SARFAESI Act will be started against you;
- (ii) Issuance of mandamus to direct the respondent authorities to cooperate & enthusiasm to the new business establishment like as petitioner to provide time for regularization of its loan amount without taking any coercive action.

At the outset, the learned counsel for the petitioner submits that the petitioner be granted liberty to approach the Debt Recovery Tribunal, Patna for redressal of his grievances, however, during the interregnum period, considering the prevailing pandemic situation, some protection be granted.

The learned counsel for the respondent Bank, Shri Nishi Nath



Ojha has got no objection.

Accordingly, the present writ petition stands disposed of with liberty to the petitioner to approach the Debt Recovery Tribunal, Patna for redressal of his aforesaid grievances and in case the petitioner approaches the Debt Recovery Tribunal, Patna by filing appropriate petition within a period of four weeks from today, the Debt Recovery Tribunal, Patna shall examine the same on merits, without being impeded by the issue of limitation and pass appropriate orders in accordance with law, as per the prescribed procedure.

In view of the prevailing Covid-19 Pandemic situation, this Court deems it fit and appropriate to direct for maintaining status quo existing as on today qua the property in question for a period of four weeks from today so that the petitioner can approach the Debt Recovery Tribunal, Patna and pray for interim relief.

(Mohit Kumar Shah, J)

Tiwary/-

