

IN THE HIGH COURT OF JUDICATURE AT PATNA

C.W.J.C. No. 16271 of 2021

1. Sri Sudhish Nandan Singh @ Sudheesh Nandan Singh, s/o late Siyaram Saran Singh Saroj @ Late Siyaram Sharan Singh, r/o Kanhauli Rambagh road, PS-Mithanpura, Muzaffarpur.
2. Sri Rajnish Nandan, s/o late Siyaram Saran Singh Saroj @ Late SiyaramSharan Singh, r/o Kanhauli Rambagh road, PS-Mithanpura, Muzaffarpur.
3. Sri Ashish Nandan, s/o late Siyaram Saran Singh Saroj @ Late Siyaram Sharan Singh, r/o Kanhauli Rambagh road, PS-Mithanpura, Muzaffarpur.
4. Smt. Swar Lata Sharan Singh, D/o late Siyaram Saran Singh Saroj @ Late Siyaram Sharan Singh, c/oShri A.K. Singh, Soheab Medical Store, H.No. 261/13, Near Vyas Bridge, PS-Mandi, Dist-Mandi (Himachal Pradesh).... .. Petitioner/s

Versus

1. The State Bank of India through the Authorised Officer, stressed Assets Management Branches, one such branch at 5th Floor, State Bank of India, Zonal Office Building Judges Tribunal Road, Antaghat, Patna, Bihar.
2. The Authorised Officer, the State Bank of India through, stressed Assets Management Branches, one such branch at 5th Floor, State Bank of India, Zonal Office Building Judges Tribunal Road, Antaghat, Patna, Bihar.
3. The Branch Manager, The State Bank of India Maurya Lok Complex Branch, Patna.

..... (Certificate Holder) Respondents 1st set

4. M/s E-Procurement Tech Loggie's Limited Tiger, A-201-8, Wall



Street-II, Opposite orient Club, Near Gujrat College, Ellis Bride,
Ahmedabad, Gujrat.

..... (Authorised e-Auction) 2nd set Respondent

5. M/s Raven Tracom Pvt. Ltd. 16 D Block, 1st floor, Bargun Avenue,
Kolkata, the registered office, Nai Bazar, Jumma Miszid Chowk,
Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Sr., Advocate

: Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. Upendra Pratap Singh (AC to SC 4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 21-09-2021 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.

The present writ petition has been filed for quashing
the e-Auction to be held on 22.09.2021, as per the order dated
28.07.2021, passed in Recovery Proceeding case no. 598/2019,
arising out of O.A. Case No. 94 of 2018, for recovery of a sum
of Rs. 5,99,90,177/- along with interest and other expenses
admissible under the certificate proceeding, for directing the
respondents authorities especially the respondents 1st set and 2nd
set not to proceed with the E-auction Sale Notice issued for the



sale of plot/ residential house of the petitioners inasmuch as the petitioners are ready to pay the Reserve price of Rs. 87,00,000/-, in instalments. The petitioners have further prayed to release the residential house situated on plots described in Sale Deeds nos. 4226 and 4227 dated 20.04.1995, physical/ actual possession whereof has already been taken.

At the outset, the learned Senior counsel for the petitioners Sri Sanjay Singh assisted by Sri Ravi Shanker Pankaj, Advocate submits that the petitioners would be approaching the respondent- Bank, more particularly, the respondent no. 2 to give a matching offer vis'-a-vis' the proclamation of sale notice dated 28.07.2021 and the e-auction notice dated 13.08.2021, hence some protection be given to the petitioners so that no third party rights are created during the interregnum period.

The learned counsel for the respondents-Bank has submitted that the petitioners are free to approach the respondent- Bank and the respondent Bank would act in accordance with law.

Having regard to the facts and circumstances of the case, I deem proper to dispose of the present writ



petition as not pressed, however, with liberty to the petitioners to approach the respondent no. 2, by filing appropriate representation within a period of ten days from today and in case, such a representation is filed, the respondent- Bank shall consider the case in hand sympathetically and if the petitioners are ready to make good the loss of the Bank and liquidate the outstanding loan amount along with interest, appropriate orders shall be passed upon the representation of the petitioners in accordance with law. It is needless to state that the respondent- Bank shall not to create a third party right for a period of 30 days from today.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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