

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2440 of 2021

1. Sunrise Saran Construction Pvt. Ltd. At Mirzanpur, P.S. Parsa, District-Saran through its Director Savita Devi, wife of Sri Krishna Kumar at present residing at 62 Anandpuri, West Boring Canal Road, P.S.-S.K.Puri, Patna.
 2. Deepak Kumar Singh @ Deepak, son of Bimlendra Singh, resident of village-Dudhaila Ganchhi, P.S.-Sonpur, District-Saran.

... .. Petitioners

Versus

1. The State Bank of India through its Chairman Nariman Point, Mumbai-400021 (Maharashtra).
 2. Assistant General Manager Stressed Assets Recovery Branch, S.B.I. 2nd Floor, Patna Main Branch Building, Gandhi Maidan, Patna-1.
 3. Regional Manager, S.B.I. S.M.E. Branch, Hajipur, BIADA Building, Paswan Chowk, Hazipur, Vaishali.
 4. Branch Manager, S.B.I. S.M.E. Branch, Hajipur, BIADA Building, Paswan Chowk, Hazipur, Vaishali.
 5. Commercial Lines Claims Manager, S.B.I. General Insurance Company Ltd. 1508 15th Floor, P.S.-Srijan Corporate Park, Sector-V, Salt Lake, Kolkata, West Bengal-700091.
 6. S.B.I. General Insurance Company Ltd. through its Regional Claim Manager, 2 Om Shanti Complex, Zila School Road, Pani Tanki, Mithanpura Ramna, Muzaffarpur.
 7. Branch Manager, S.B.I. General Insurance Company Ltd. 2 Om Shanti Complex, Zila School Road, Pani Tanki, Mithanpura Ramna, Muzaffarpur.

.. ... Respondents

Appearance :

For the Petitioner : Mr. Jitendra Prasad Singh
 Mr. Kunal Ranjan
 For the Bank : Mr. K.K.Sinha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3. 28-04-2021 The matter has been taken up for hearing *on-line* because of COVID-19 Pandemic restrictions.

The petitioners have put to challenge possession notice dated 05.06.2020 issued by the State Bank of India under Section 13(4) of the Securitization and Reconstruction of



Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter to be referred to as 'the SARFAESI Act') read with Rule 8 of the Rules framed thereunder. The petitioners have also sought for setting aside a letter dated 23.04.2020 issued by the State Bank of India General Insurance Company, whereby the petitioners' claim has been closed.

Indisputably, the petitioners have alternative remedy to approach Debts Recovery Tribunal against the said possession notice dated 05.06.2020, which the petitioners may avail. As regards closure of the petitioners' claim by State Bank of India General Insurance Company, under impugned communication dated 23.04.2020 itself, it has been mentioned that should the petitioner wish to present any alternative interpretation of any relevant policy provision, he should draw the same to the attention of the authorities for further consideration by contacting the State Bank of India General Insurance Company Grievance Redressal Committee.

The petitioner shall be at liberty to approach the said Committee in accordance with law and if he approaches the said Committee within a period of one month from today, the same shall be considered and decided within a period of two months thereafter.

This writ application stands disposed of with the



aforesaid observations and direction.

(Chakradhari Sharan Singh, J)

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