

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19000 of 2021

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M/S Ramji Singh Modern Rice Mill, Rajpur, Police Station- Rajpur, District- Rohtas through its Partner Rajendra Singh aged about 56 years (male) son of Late Parsuram Singh, Resident of Village and Police Station- Rajpur, District- Rohtas.

... .. Petitioner/s

Versus

1. Punjab National Bank through its Chief General Manager, Corporate Office, At Plot No. 4, Sector- 10, Dwarka, New Delhi- 110075.
2. The Authorised Officer, Punjab National Bank, Dehri-On- Sone Branch, Dehri, Police Station- Dehri, District- Rohtas.
3. The Branch Manager Punjab National Bank, Dehri-On- Sone, Police Station- Dehri, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate
For the Respondent/s : Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-12-2021

Petitioner has prayed for the following relief(s):-

“For issuance of an appropriate writ/writs quashing the entire action under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short SARFAESI Act) including sale notice dated 17.9.2021 issued against the property (details prescribed in the sale notice) of the petitioner issued under Section 13(4) of the SARFAESI Act without following the provisions of SARFAESI Act and Rules and further Respondents be directed to settle



the dispute on the basis of settlement scheme of the Bank for which petitioner is ready and willing and or to grant any other relief or reliefs for which petitioner is legally entitled in the facts and circumstances of the case.”

Shri Kumar Priya Ranjan, learned counsel for the Bank states that the present petition has become infructuous inasmuch as public auction, subject matter of the present petition, did not fructify. He further states that the Debt Recovery Tribunal is now fully functional inasmuch as the notification of giving the additional charge stands issued.

Learned counsel for the petitioner states that petitioner is ready and willing to enter into one time settlement with the respondent-Bank.

This request is not opposed by the learned counsel for the Bank.

As such, we dispose of the present petition with the following mutually agreeable terms:-

(a) Petitioner shall approach respondent No. 2, namely, the Authorised Officer, Punjab National Bank, Dehri-On-Sone Branch, Dehri, Police Station-Dehri, District- Rohtas, giving a concrete proposal for settlement;

(b) The Respondent No. 2 shall decide the



representation expeditiously and preferably within a period of four weeks from the date of approaching the petitioner before him along with a copy of this order;

(b) If the representation is filed within a period of next two weeks, no coercive steps shall be taken till the process of settlement is complete;

(c) It stands clarified that if no such representation is made within the aforesaid period, it shall be open for the respondent to take appropriate action in accordance with law.

(d) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We have not expressed any opinion on merits of the matter. All issues are left open;

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2021
Transmission Date	

