

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19906 of 2021

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1. M/s Kamla Biogas Enterprises through its proprietor Shri Pavan Kumar Singh, Village and Post-Basadhi, Post-Gurukul Mehiya Chhapra, District-Saran.
 2. Pavan Kumar, S/o Ram Gopal Prasad, R/o Post-Purani Gurhatti, Chhapra, District-Saran.

... .. Petitioner/s

Versus

1. The Authorized Officer, Indian Bank (erstwhile Allahabad Bank), Zonal Office, Om Shanti Complex, Opposite Jila School, Ramna, Muzaffarpur-842007.
2. The Branch Manager, Indian Bank (erstwhile Allahabad Bank), Chhapra Branch, Hathwa Market, Chhapra, Dist. Saran-841301.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Sinha, Advocate Mr. Devesh Shankaran, Advocate Mr. Neeraj Kumar, Advocate
For the Respondent no. 1 & 2	:	Mr.Sanjay Singh Thakur, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-12-2021

Heard learned counsel for the parties.

Petitioners have prayed for following relief(s):-

“(i) For issuance of writ of certiorari to quash and cancel the demand notice dated 15/01/2021 and possession notice dated 21/10/2021 published in daily hindi Newspaper DAINIK BHASKAR on 26/10/2021 affixed at the mortgaged property mentioned in Schedule-I appended with this writ application;

(ii) For issuance of writ of mandamus directing the respondent Bank not to proceed for sale against the mortgaged property and to settle the term loan A/c no.50124288994 & C.C. loan A/c no.50131256372 as petitioner is willing to settle

the account amicably; and

(iii) Further this Hon'ble Court may be pleased to allow this writ application by also directing the respondent Bank to return all the securities against the loan accounts after receiving payment requires to be paid by the petitioner; And / or

(iv) This Hon'ble Court may be pleased to pass such other order / orders, direction/ directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

Learned counsel for the bank states that petitioners have instituted proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement Of Security Interest Act, 2002.

Learned counsel for the petitioners states that petitioners are ready and willing to settle the matter with the respondent-bank.

For such purpose, the petitioners shall approach respondent no. 1 namely, Authorized Officer, Indian Bank (erstwhile Allahabad Bank), Zonal Office, Om Shanti Complex, Opposite Jila School, Ramna, Muzaffarpur, giving a concrete proposal. He further states that the respondent-bank, considering the attending facts and circumstances, should waive off the component of interest which according to the petitioners stands unduly charged.

To establish their bonafide, petitioners are ready and

willing to deposit a sum of Rs. 3,00,000/- (Three Lacs) as against the total outstanding demand of Rs. 8,90,523/- as on 21.10.2021.

We are satisfied about the petitioners intent and bonafide for settling the matter, as such, we are passing the order in exercise of our equitable jurisdiction and more so in view of the directions issued by Hon'ble the Apex Court, in following mutual agreeable terms:-

(a) Petitioners shall deposit sum of Rs. 3 Lacs with the respondent-bank within one week.

(b) They shall approach the respondent no. 1 namely, Authorized Officer, Indian Bank (erstwhile Allahabad Bank), Zonal Office, Om Shanti Complex, Opposite Jila School, Ramna, Muzaffarpur, with a concrete proposal within the said period.

(c) The said respondent shall consider and decide the petitioners' request expeditiously preferably within a period of three weeks.

(d) Petitioners undertake to abide by the terms which would be mutually arrived at between the parties.

(e) Till such time, the exercise is complete, no coercive action shall be taken against the petitioners.

(f) If, however, petitioners fail to deposit the amount with the respondent-bank within the aforesaid period, order of interim stay shall automatically stand vacated.

(g) Liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law, if the need so arises.

The writ petition is accordingly, disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/Ranjan-

AFR/NAFR	
CAV DATE	NA
Uploading Date	21.12.2021
Transmission Date	NA