

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20906 of 2019

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M/S Maheshwari Distributor, At R.B. Lane P.O.+P.S.-Forbestganj, District Araria, Pin Code-854318, through its Proprietor Gautam (Male), aged about 22 Years, Son of Sunil KUMar Singh, Resident of Hanuman Nagar, Behind S.P. Kothi, Purnea. P.S. Purnea. Distirct Purnea.

... .. Petitioner/s

Versus

1. The Managing Director UCO Bank, Head Office, 10 BTM Sarani, Kolkata, 700001 West Bengal.
2. The Zonal Manager, UCO Bank, Zonal Office, Sona Jageshwar Complex, Traffic Chowk, Begusarai-8511101.
3. The Branch Manager UCO Bank, Libarary Road Fonesganj, ZIP: 854318, District Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha
For the Respondent/s : Mr.Sheela Sharma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 03-03-2021 Heard both sides.

The petitioner has filed this writ petition against the notice issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as ‘the SARFAESI ACT’) and the possession notice under Section 13(4) of the SARFAESI ACT.

Learned counsel for the petitioner drew my attention to Annexures-10 and 11 of the rejoinder to the counter affidavit that the Bank, on being approached for enhancement of the limit of loan, asked the petitioner to furnish certain documents vide



Annexure-10. It is further submitted that Annexure-11 shows that if the Bank official contravenes any of the circulars of the Reserve Bank, the loanee has got liberty to file appeal before the superior bank officials as provided in Annexure-11 of the writ petition.

On the basis of such, the learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to file appeal before the competent authority.

Prayer is allowed.

The writ petition is dismissed as withdrawn with liberty to the petitioner to file appeal before the competent authority, who shall dispose of the appeal filed by the petitioner as early as possible preferably within four months from the date of filing of such appeal.

If there is any limitation, the same shall be considered on its own merit.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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