

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.524 of 2022

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1. M/s Raj Traders through its proprietor Shrimati Poonam Kumari (F) age 44 years, W/o Ajit Kumar Singh,
 2. Shrimati Kaushalya Devi (F), Age-74 years, W/o Late Nagendra Nath Singh Both are R/o Arya Samaj Mandir, Paschim Tola, Near Mahavir Sthan, Ara, PS- Ara Town, Dist- Bhojpur.

... .. Petitioner/s

Versus

1. The Zonal Manager, Punjab National Bank 2nd Floor, R Block, Near Chanakya Hotel, Veer Chand Patel Path, Patna, Bihar.
2. The Circle Head, Punjab National Bank near Regal Hotel, Ramna Maidan, Ara, Bhojpur.
3. The Authorised Officer cum Chief Manager, Punjab National Bank, Circle Office, Near Regal Hotel, Ramna Maidan, Ara, Bhojpur.
4. The Branch Manager, Punjab National Bank, Post- Koelwar, District- Bhojpur.
5. The Registrar-cum- DM, Ara, Bhojpur.
6. The Sub- Divisional Officer, Ara, Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajendra Nath Sinha, Advocate

For the Respondent/s : Mr.Anil Kr. Singh, GP-26
Mr. Kumar Priya Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 14-02-2022

Petitioners have prayed for the following
relief(s):-



1. That this writ application is being filed for quashing the proclamation sale notice dated 24/11/2021 whereby and where under illegally and wrongly without following the procedures auction sale was held on 27/12/2021. Therein, Single bidder has taken participant and at a very low price Rs 30,85000 against the fixed valuation of 54,45,579 property of the petitioner has been sold to only one single bidder but sale certificate has not yet been issued in favour of purchaser as total bid money has not yet been deposited.

Further prayer to cancel or stay this auction sale in light of the order passed Vasu. P. Sethi Vs M/S Hotel Vandana palace and others order dated 22.4.2014 by the apex court as well as amendment to section 13(8) of Sarfaesi act – M/s Pal Alloys and metals Pvt. Ltd. And others

Vs. Allahabad Bank and others laws laid down by the Punjab and Haryana High Court, as petitioner is ready to deposit the entire amount within the short period as well as directing the state respondent not to dispossess petitioner and her family from her own and only house of Ara town.

We have entertained the present petition in view of the fact that Debt Recovery Tribunal and Debt Recovery Appellate Tribunal are not functional.

Shri Rajendra Nath Sinha, learned counsel for the petitioners contends that the petitioners are ready and willing to have the dispute amicably resolved with the bank, for which purpose, to establish his *bona fide*, petitioner is ready and willing to deposit a sum of Rs. 15 lacs within a period of one week and the remaining outstanding amount within a period of 15 days thereafter.

Statement accepted and taken on record.

Shri Kumar Priya Ranjan, learned counsel appearing on behalf of the respondent bank, states that even though the



property stands auction sold and sale certificate issued, but, however, possession has not been handed over to the successful bidder.

Let *status quo*, as on date, be maintained.

As such, the petition is disposed of on the following mutually agreeable terms :-

(i) Petitioners shall deposit a sum of Rs. 15 lacs within a period of one week and the remaining outstanding amount within a period of 15 days thereafter;

(ii) Petitioners, either themselves or through their authorized representative, make available in the office of respondent No.3, namely, The Authorised Officer cum Chief Manager, Punjab National Bank, Circle Office, Near Regal Hotel, Ramna Maidan, Ara, Bhojpur giving an offer, in terms of the statement recorded supra, and also deposit the amount in terms thereof.

(iii) The bank shall take a decision thereupon in accordance with law keeping in view the guidelines issued by the Reserve Bank of India as also principle of parity;

(iv) Till the time proposal is pending with the authorities, no coercive action shall be taken against the petitioners.



(v) Petitioners also undertake to bear all costs incurred by the Bank for initiating the process for selling the mortgaged property/assets.

(vi) In the event of petitioners failing to deposit the amount, it shall be open for the bank to take appropriate action in accordance with law.

(vii) Liberty reserved to the parties to take recourse to such remedies are otherwise available, should the need so arise subsequently;

(viii) However, we are hopeful that with the intervention of the respondent Bank, the matter would be resolved amicably.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.02.2022
Transmission Date	

