

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.666 of 2022

M/s Magadh Smokeless Coking Coal Industries Pvt. Ltd. a company incorporated under the Indian Companies Act, 1956, having its factory at Nawadih, Aurangabad, through its Director Md. Kamaruzama, aged about 53 years (Male), Son of Late Md. Alimuddin Ansari, Resident of Mohalla-Koiribigha, Nawadih, P.S. Town Thana, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The Bihar State Credit and Investment Corporation Limited (A Government of Bihar Undertaking), 4th Floor, Indira Bhawan, R.C. Path, Patna through its Managing Director.
2. The Managing Director, the Bihar State Credit and Investment Corporation Limited, 4th Floor, Indira Bhawan, R.C. Path, Patna.
3. The Assistant Manager, the Bihar State Credit and Investment Corporation Limited, 4th Floor, Indira Bhawan, R.C. Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Advocate
For the Respondent/s : Mr. Nirmal Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-02-2022

Heard learned counsel for the parties.

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

- i) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of writ of Certiorari for quashing the sale notice dated 16.12.2021 issued by the respondent Managing Director (as contained in Annexure-2) whereby and where under the respondents have issued sale notice of the petitioner as serial no.1 under section 29 of the State Financial Corporation Act, 1951 (herein after referred to as the SFC Act, 1951).



- ii) To issue an appropriate writ(s)/order(s)/direction(s) in the nature of writ of writ of Mandamus directing the respondents not to sale the petitioner's factory on account of default in payment of dues of the loan taken by the petitioner as the other directors are ready to make payment of principal amount because the Managing Director of the petitioner company Late Alimuddin Ansari has died on 19.11.2017 and the other two directors have also died earlier itself. At present there is two directors one namely Md. Kamruzama is alive who is son of the Managing Director. The other directors are praying before this Hon'ble court to accept the payment in installment of Principal amount or not to sale petitioner unit till any one time settlement scheme is announced by BICICO taking into consideration of the present situation of the unit.
- iii) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, seeks permission to withdraw the present petition reserving liberty to initiate appropriate proceedings in accordance with law.

Permission granted.

Petition stands disposed of as withdrawn with the



liberty aforesaid.

We clarify that we have not expressed any opinion on merits. All issues are left open.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2022
Transmission Date	

