IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.727 of 2022

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Tripurari Jha Son of Late Shiv Kumar Jha Resident of Village and P.O. - Deokuli, P.S. - Bahadurpur, District- Darbhanga, Bihar.

... ... Petitioner/s

Versus

1. The Union of India through Finance Secretary Department of Financial Services North Block, Cabinet Secretariat, Raisina Hill, New Delhi.
2. The Deputy Governors, Reserve Bank of India, Shahid Bhagat Singh Marg, Mumbai - 400001.
3. The Executive Director, Board for Regulation and Supervision of Payment and settlement systems (BPSS) Reserve Bank of India, Shahid Bhagat Singh Marg, Mumbai - 400001.
4. The Regional Director, Reserve Bank of India, South Gandhi Maidan, Patna - 800001.
5. The Banking Ombudsman, Reserve Bank of India Office of the Banking Ombudsman South Gandhi Maidan, Patna - 800001.
6. The CGM- in - Charge and Secretary Secretary's Department Reserve Bank of India 16th Floor, Central Office, Building Sahid Bhagat Singh Marg, Mumbai - 400001.
7. The State of Bihar through the Principal Secretary, Finance Department, Old Secretariat, Patna, Bihar.
8. The Managing Director and Chief Executive Officer namely Shri C.H.S.S. Mallikarjuna Rao.
9. The Nominee Director Reserve Bank of India namely Shri Vivek Aggrawal Punjab National Bank.
10. The Chairman, Punjab National Bank, having its Corporate address at Plot No. 4, Sector - 10, Dwarka, New Delhi - 110075.
11. The Zonal Manager, Punjab National Bank, 2nd Floor, Chanakya Towers, R-Block, Patna - 800001.
12. The Authorized Officer, Punjab National Bank, Secured creditor Circle Sastra Centre, Darbhanga, G.M. Road, Darbhanga - 846004, e- mail ID- cs8217@pnb.Co.in.
13. The Circle Head Patna North, 2nd floor Chanakya Towers, R- Block, Patna -

800001.

14. The Chief Branch Manager, Punjab National Bank, Laheriyasarai Branch (240700), Darbhanga G.N. Ganj Laheriyasarai, Darbhanga.
15. The Collector - cum- District Magistrate, Darbhanga, Bihar.
16. The Central Registry of Securitization Assets Reconstruction and Security Interest of India, 5th floor MTNL, Telephone Ex- change Building, 8 Bhikaji Cama Place, New Delhi - 110066.
17. Shri Vishnu Kumar, Authorized Officer, Punjab National Bank, Circle Office at G.M. Road, Raj Kumar Ganj, Kathalbari, Darbhanga, Bihar - 846004.
18. Shri Abhishek Kumar, Chief Manager, Punjab National Bank, Commercial Chowk, Laheria Sarai, Darbhanga, Bihar.
19. Shri Atul Kumar, Officer of Circle Office, Punjab National Bank, G.M. Road, Raj Kumar Ganj, Kathalbari, Darbhanga, Bihar - 846004.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rohit Kumar, Advocate Mr. Manish Kumar No. 13, Advocate
For the Respondent/s	:	Dr. Krishna Nandan Singh, ASG Mr. Ajay Kumar Rastogi, AAG-10 Mr. Suryakant Kumar, Advocate (PNB) Mr. Radhika Raman, CGC Mr. Rohit Kumar, Advocate Mr. Amit Prakash, Advocate 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 : 22-02-2022

Heard learned counsel for the parties.

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

"1(i) A writ of certiorari quashing/setting aside the impugned common notice u/s. 13(2) of the securitization and reconstruction of financial Assets and Enforcement of Security.

(ii) A writ of certiorari quashing/setting the impugned notice dated 27.12.2021 published under signature of authorized office of Punjab National Bank under securitization and reconstruction of financial assets and enforcement of security interest Act, 2002 contained in Annexure-8 whereby and where under the respondent authorities more particularly the respondent nos. 9 to 12 have mechanically and arbitrarily took symbolic possession of assets in question of petitioner. However, the respondent authorities have not followed the mandated rules and regulations which is clearly abridgement of fundamental rights of petitioner guaranteed under Article 14, 19 and 21 of the Constitution of India.

(iii) A Mandamus commanding the respondents nos. 9 to 12 to regularize the aforesaid both loan account bearing nos. 240700NC000014 03 (T/L Housing Loan) and 24070099 00000131 (ODIP) against deposit by the petitioner the outstanding amount.

(iv) Any other writ/writs for granting any other relief/reliefs for which the petitioners are found entitled to in the facts and circumstances of the present case."

We are entertaining the present petition in view of the fact that at this point in time, the Debt Recovery Tribunal is not functional on account of non-appointment of Presiding Officer.

Let Respondent No. 17, namely Shri Vishnu Kumar, Authorized Officer, Punjab National Bank, Circle Office at

G.M. Road, Raj Kumar Ganj, Kathalbari, Darbhanga, Bihar – 846004; Respondent No. 18, namely Shri Abhishek Kumar, Chief Manager, Punjab National Bank, Commercial Chowk, Laheria Sarai, Darbhanga, Bihar and Respondent No. 19, namely Shri Atul Kumar, Officer of Circle Office, Punjab National Bank, G.M. Road, Raj Kumar Ganj, Kathalbari, Darbhanga, Bihar - 846004 be deleted from the array of parties.

Registry to make necessary correction in the memo of parties, both in the digital as also the physical file.

Learned counsel for the petitioner states that on 18th of February, 2022, petitioner has already deposited a sum of Rs. 5 lacs with the respondent Bank.

To show his *bona fides*, petitioner undertakes to deposit another five lakh rupees within a period of two weeks from today.

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

(a) Petitioner shall positively deposit a sum of ₹5,00,000/- (five lacs) with the respondent Bank within a period of two weeks from today;

(b) Petitioner shall make himself available in the office of Respondent No. 14, namely The Chief Branch

Manager, Punjab National Bank, Laheriyasarai Branch (240700), Darbhanga G.N. Ganj Laheriyasarai, Darbhanga on 8th of March, 2022 at 10:30 A.M. with a proposal, complete in all aspect, for-(i) re-determining the amount due and payable by the petitioner to the Bank; (ii) seeking waiver of interest on the principal amount due and payable in terms of the policy of the Bank as also the guidelines issued by the Reserve Bank of India;

(c) The Bank shall take a decision on the petitioner's request within a period of eight weeks thereafter;

(d) Such decision has to be in accordance with law; the guidelines issued by the Reserve Bank of India and maintaining parity;

(e) If the petitioner fails to deposit a sum of ₹ 5 lacs, as undertaken by him, or repay the amount in terms of the schedule fixed by the Bank on mutually agreeable terms, it shall be open for the Bank to take recourse to the remedies in accordance with law, including sale of mortgaged/hypothecated property.

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	25.02.2022
Transmission Date	