

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2037 of 2022

1. M/s Sonali Auto Private Limited having its office at Dangi Complex, N.H. 30, New Bypass, Anishabad, Police Station- Gardanibagh, District- Patna through its Director and authorized representative namely Abhishek, aged about 41 years, Gender- Male, Son of Late Bidhan Chand Roy, Resident of House No. 56, Mahavir Nagar Colony, Beur Jail Road, Police Station- Anishabad, District- Patna.
2. Mrs. Kavita Rai Wife of Late Bidhan Chand Rai Resident of House No.56, Mahavir Nagar Colony, Beur Jail Road, Police Station- Anishabad, District- Patna.
3. Shri Abhishek Son of Late Bidhan Chand Rai Resident of House No.56, Mahavir Nagar Colony, Beur Jail Road, Police Station- Anishabad, District- Patna.
4. Estate of Late Shri Bidhan Chand Rai (represented through Legal Heirs Shri Abhishek and Mrs. Kavita Rai, Resident of House No.56, Mahavir Nagar Colony, Beur Jail Road, Police Station- Anishabad, District- Patna.

... .. Petitioner/s

Versus

1. The Union Bank of India through the C.M.D., Vidhan Bhavan, 239, Vidhan Bhavan Marg, Nariman Point, Mumbai- 400021, Maharashtra, India.
2. The Deputy General Manager, Bihar, Union Bank of India, Nasheman Bhawan, 1st Floor, Mazharool Haque Path, Frazer Road, Patna, District- Patna.
3. The Chief Manager, Union Bank of India, Main Branch, Abhay Bhawan, Frazer Road, Patna, District- Patna.
4. The Authorized Officer, Union Bank of India, Main Branch, Abhay Bhawan, Frazer Road, Patna, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. Rajeev Shekhar, Advocate
For the Respondent/s	:	Mr. Kumar Alok, Advocate Mr. Anant Kumar Sharan, Advocate Mr. Prabhat Kumar Sharan, Advocate Mr. Jayant Kumar Sharan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(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.)

3 18-02-2022

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

- i) To issue a Writ in nature of Certiorari for quashing the Letter bearing Reference number Adv/ NPA/ SONALI / 2021-22 dated 12.01.2022 containing Notice of 30 days for sale of immovable secured assets under Rule-8 of the Security Interest (Enforcement) Rules, 2002 as the Appeal bearing Regular Appeal number 40 of 2019 preferred by the respondents is pending before the Court of learned Debts Recovery Appellate Tribunal, Allahabad and the Original Application bearing number 734 of 2019 preferred by the respondents is also pending before the Court of learned Debts Recovery Tribunal, State of Bihar, thereby the respondents have initiated parallel proceeding by issuance of such impugned Notice despite the matters being sub-judice before the learned Courts.
- ii) Upon quashing of the same, issuance of direction to the respondent Bank not to take coercive measure against the petitioner company and direct the Bank to await till the conclusion of the cases pending before learned Courts.



iii) To any other relief or reliefs to which the petitioner company are entitled in the facts and circumstances of the case.

Shri Sanjeev Kumar, learned counsel for the petitioners states that petitioner is not in a position to comply with the order dated 16th of February, 2022. He, in fact, is able to deposit only a sum of ₹1 Crore and not ₹5 Crores.

Be that as it may, Shri Sanjeev Kumar, learned counsel for the petitioners seeks permission to withdraw the present petition reserving liberty to pursue the remedies as are otherwise available in accordance with law.

Permission granted with liberty as prayed for.

We clarify that it shall be open for the respondent Bank to take recourse to the remedies in accordance with law.

It is made clear that we have not expressed any opinion on the merits of the case. All issues are left open.

The instant petition stands disposed of as withdrawn in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

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