IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2173 of 2022

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1. Rupam Saroj, Wife of Late Dr. Navin Singh Resident of Flat Number-402, Pushpanjali Apartment, North S.K. Puri, Patna-800001.
2. Rishita Singh, Daughter of Late Dr. Navin Singh Residen of Flat Number-402, Pushpanjali Apartment, North S.K. Puri, Patna-800001.

... ... Petitioner/s

Versus

1. The Bank of Baroda a Banking Company Constituted Under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1979 having its head Office at Mandvi, Baroda, through its Managing Director,
2. The Deputy General Manager, bank of Baroda, Regional Office, West Boring Canal Road, Patna.
3. The Branch Manager, Bank of Baroda, S.K. Puri Branch, Patna.
4. The Authorized Officer Cum Chief Manager, Bank of Baroda, S.K. Puri Branch, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gautam Kumar Kejriwal, Advocate

For the Respondent/s : Mr. Vivek Prasad, GP-7

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

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-03-2022

Heard learned counsel for the parties.

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

I. For issuance of a writ in the nature of certiorari for quashing of the letter dated 24.01.2022 issued by the respondent number 4 whereby the request made by the petitioners for grant of opportunity to upgrade and regularise the housing loan and housing maintenance loan account has been refused and demand for payment of the entire loan has been made against further action proposed in terms of the provisions of the Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002 (hereinafter referred to as the act 2002 for short);

II. For further issuance of a direction upon the respondents especially the respondent number 4 to grant sufficient opportunity to the petitioners to upgrade and regularise the housing loan and housing maintenance loan account of late husband of the petitioner number 1 so that the petitioner number 1 may continue to pay the equated monthly instalments for the whole remaining period of the term loan in question;

III. For further issuance of writ or order direction restraining the respondents from proceeding further with any action in terms of the provisions of the father of the petitioner number 1 and 2 respectively in course of action for recovery of the entire loan amount as the petitioner number 1 is ready to liquidate the arrears of instalments and maintain the payment discipline in future;

IV. For any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of this case.

Learned counsel for the petitioners states that within next 24 hours, petitioners shall make good the amount towards the arrears, due and payable, as on date and the remaining amount would be paid in terms of the installments fixed as per the agreement entered into between the petitioner's no. 1, late husband and the respondent bank.

To show their *bona fides*, petitioners undertake to deposit a sum of Rs. Three lacs within next two working days.

Taking a holistic view, we dispose of the present petition on the following mutually agreeable terms:-

(a) Petitioners shall positively deposit a sum of ₹3,00,000/- (Rs. three lacs) with the respondent Bank within two working days.

(b) Petitioners shall make themselves available in the office of Respondent No. 3, namely, The Branch Manager, Bank of Baroda, S.K.Puri Branch, Patna on 28th 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 petitioners 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 petitioners' 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) Till the time proposal is pending with the authorities, no coercive action shall be taken against the petitioners.

(f) If the petitioners fail to deposit a sum of Rs. Three 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)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	23.03.2022
Transmission Date	