IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2452 of 2022

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Sanjeev Kumar Son of Ganpati Singh Resident of Mohit Narayan Singh Path, Punaichak, P.S. - Shastrinagar, District- Patna.

... ... Petitioner/s

Versus

1. Reserve Bank of India Through the Deputy General Manager, Patna Bihar.
2. The Regional Manager, Axis Bank Ltd., 2nd Floor, Sita Usha Square Complex, Kankarbagh Main Road, Patna - 800020.
3. The Area Manager, Axis Bank Ltd., 2nd Floor, Sita Usha Square Complex, Kankarbagh Main Road, Patna - 800020.
4. The Branch Manager, Axis Bank Ltd., 2nd Floor, Sita Usha Square Complex, Kankarbagh Main Road, Patna - 800020.
5. The Authorized Officer, Axis Bank Ltd., 2nd Floor, Sita Usha Square Complex, Kankarbagh Main Road, Patna - 800020.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Samir Kumar, Advocate
Ms. Smiti Singh, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 24-11-2022 Petitioner has prayed for the following relief(s):-

i) For issuance of writ in the nature of certiorari or any other appropriate writ, order or direction for quashing the Demand Notice u/s 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (hereinafter referred to as 'SARFAESI Act') dated 28.09.2021 issued by the respondent authorities wherein both the loan accounts have been turned as NPA on 03.05.2021 and the outstanding dues of Rs.29,37,578.34/- (Rs.27,82,964.34/- for the secured term loan + Rs.1,54,614/- for the ECLGS loan) has been claimed to be payable by the petitioner in utter violation of the Sarfaesi Act and Sarfaesi Rules.

ii) For issuance of writ in the nature of certiorari or any other appropriate writ, order or direction for quashing the possession notice dated 04.01.2022 issued by the respondent Bank u/s 13(4) of the Sarfaesi Act and Rule 8(1) of the Sarfaesi Rules for payment of the total outstanding amount within 60 days of the said notice without following the procedure and norms in this regard as the said notice has been issued by the respondent bank without dealing with the objection of the petitioner.

iii) For staying all the coercive action including SARFAESI proceeding against the petitioner which is initiated by the bank in a bias and arbitrary manner as the petitioner is not a defaulter and has full intention of discharging his obligations as per the Loan Agreement.

iv) For a direction to the respondent authorities for restructuring the loan account of the petitioner and for permitting him to pay the outstanding dues by making the account regular in light of the COVID-19 pandemic and the difficulties that the business of the petitioner has suffered.

v) For holding that the purported demand notice cannot be construed as a clear cut notice and the possession notice is bad in law and that the respondents cannot circumvent the statutory mandatory provisions as held by Hon'ble Apex Court in the case of Mathew Varghese vs. M. Amritha Kumar reported in (2014) 5 SCC 610.

vi) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.

Learned counsel for the petitioner seeks permission to withdraw the present petition.

Permission granted.

The instant petition stands disposed of as withdrawn.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

P.K.P./Amrendra

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