

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11269 of 2015

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Chandan Kumar Singh S/O Late Ram Lal Singh, resident of village-
Kumhara, P.O.- Khudna Rupaspur, P.S.- Rautara, District- Katihar.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Corporate Affairs, Government of India, New Delhi.
2. The Secretary, Ministry of Corporate Affairs, Government of India, New Delhi.
3. The State of Bihar through the Secretary, Department of Finance, Government of Bihar, Patna.
4. The Secretary, Department of Finance, Government of Bihar, Patna.
5. The Director Internal, Directorate of Institutional Finance under the Finance Department, Governme
6. M/s Prayag Infotech Hi- Rise Limited, having its registered office at P-45, Bhupen Roy Road, Kolkat
7. The Managing Director, M/s Prayag Infotech Hi-Rise Limited, having its registered office at P-45,

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajkishore Prasad, Adv. with Mr. Md. Musowir, Adv.
For the Respondent/s	:	Mr. Vivek Anand Amritesh, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 13-12-2022 1. The petitioner by way of this writ petition has
prayed as under:

“(i) To issue an appropriate writ(s), order(s), directions(s) in the nature of writ of Mandamus directing the official respondents to return the money deposited by the various investors who are the bonafide and genuine subscribers of various schemes launched by the private respondent, i.e. M/s Prayag Infotech Hi-Rise Limited after making through enquiry about financial embezzlement made by the said private respondent.



(ii) To issue any other writ or writs, direction or directions for which the petitioner is found to be entitled in the facts and circumstance of the case.”

2. The claim as against a private company for recovering the amount is a pure civil dispute. Apart from the remedy available under the C.P.C., the petitioner also has a remedy available under the Bihar Protection of Interest of Depositors (Financial Establishment Act, 2002) and the Rules of 2004 framed therein. The remedy under the statute, therefore, has to be first satisfied and thereafter even the Commercial Courts Act provides a remedy to the petitioner.

3. Keeping in view the statutory, efficacious, alternate exhaustive remedy available to the petitioner, this writ petition is held to be not maintainable and is accordingly dismissed with liberty to approach the appropriate forum. The pendency of the writ petition shall be taken into consideration for counting limitation.

(Sanjeev Prakash Sharma, J)

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Item no.51

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