

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6295 of 2022

Patliputra Hytech Infra Private Limited a Private Limited Company incorporated under the Companies Act, 1956 having its registered office at 301, Maharaja Kameshwar Complex, Frazer Road, P.S.-Kotwali, District-Patna through its authorized representative Mukesh Kumar, male, aged about 27 years, s/o Jay Mangal Prasad, Resident of gurian, Chandes, P.S.-Kudhni, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. LIC Housing Finance Limited, a Public Limited Company incorporated under the Companies Act, 1956 having its registered office at Bombay Life Building, 2nd Floor, 45/47, Veer Nariman Road, Fort, Mumbai-400 001, Maharashtra through its Authorized Officer.
2. The Authorized Officer, LIC Housing Finance Limited, Jeevan Prakash, Mazhrul Haque Path, P.S.-Kotwali, District-Patna-800001.
3. The CMO, Recovery Department, LIC Housing Finance Limited, Jeevan Prakash, Mazhrul Haque Path, P.S.-Kotwali, District-Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nilanjana Chatterjee, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-06-2022

Heard learned counsel for the parties.

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

- i. For issuance of writ/order/direction including writ in the nature of certiorari to quash and cancel the notice U/s 13(2) Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as SARFESI Act) dated 28.09.2021 since the same is defective and does not contain the date on which the account of the petitioner was declared a non performing asset.
- ii. For issuance of writ/order/direction including writ in the nature of certiorari to quash and cancel the Possession Notice dated 21.01.2022 under Rule 8(1) of the Security Interest (Enforcement) Rules, 2002 (hereinafter referred to as "SARFESI Rules") as the same has been issued in violation of the mandatory provisions contained in the SARFESI Rules.
- iii. For issuance of writ/order/direction including writ in the nature of mandamus commanding respondents to provide fresh and proper calculation in terms of the directions given by the Hon'ble Apex Court in the case of Central Bank of India vs. Ravindra and others reported in (2002) 1 SCC 367.
- iv. For issuance of writ/order/direction including writ in the nature of mandamus commanding the respondents to

consider and provide the petitioner a reasonable time to pay the entire dues.

- v. For any other relief / reliefs for which the petitioner is found entitled to on the facts and in the circumstances in the instant case.
- vi. During the pendency of the present writ petition, the respondents may be restrained from taking any coercive action in pursuance of the proceeding initiated under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as SARFESI Act).

In view of the fact that Debts Recovery Tribunal is now functional, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies, as are otherwise available, in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law.

Needless to add, period for which the petitioner has

been pursuing the matter before this Court, shall be excluded for the purpose of condonation.

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

The petition stands disposed of as withdrawn with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	