

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8184 of 2022

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M/s Nepal Murthi Sag Store Through its Proprietor Nepal Shah S/o Late Deena Nath Shah at Main Road, Ward No-8, Near Central Bank, Nasriganj, District-Rohtas-821310, Bihar,

... .. Petitioner/s

Versus

1. The Presiding Officer, Debt Recovery Tribunal, Patna.
2. The Recovery Officer, DRT Patna.
3. General Manager, SARB, Patna, Main Branch Building, 1st Floor, Gandhi Maidan , Patna-800001.
4. Assistant General Manager, SARB, Patna, Main Branch Building, 1st Floor, Gandhi Maidan , Patna-800001.
5. Branch Manager, Nasriganj State Bank of India Branch, District-Sasaram.
6. Authorised Officer, State Bank of India, SARB Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajendra Nath Sinha, Advocate
		Ms. Rashmi Kumari, Advocate
For the Respondent/s	:	Mr.Sanjay Singh Thakur, Advocate

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

Date : 28-07-2022

Petitioner has prayed for the following relief(s):

“This is an application for quashing the entire proceeding of 13 of 2019 pending before Nandan Kumar, Recovery Officer, Debt Recovery Tribunal, Patna including order dated 18.11.2021 as well as further setting aside the order dated 20.11.2018 passed in OA Number 434 of 2018 Ex-Parte order passed by Presiding Officer, Debt Recovery Tribunal, Patna



Learned counsel for the petitioner states that petitioner is ready and willing to have the matter amicably resolved with the respondent Bank. He also seeks stay of the auction notice issued by the respondent Bank whereby the mortgaged property is put to auction.

We notice that proceedings being O.A. No.434 of 2018 stands disposed of and recovery proceedings being R.P. Case No.13 of 2019 is pending consideration before the Debts Recovery Tribunal, Patna.

In our considered view, the issues raised herein are required to be adjudicated by a forum specially created for such purpose.

Undisputedly, at this point in time, both the Debts Recovery Tribunal, Patna as also the Debts Recovery Appellate Tribunal stipulated under the SARFAESI Act are fully functional.

As such, we dispose of the present petition, reserving liberty to the petitioner to immediately approach the D.R.T./D.R.A.T. venting out the grievances, subject-matter of the present petition.

Needless to add, as and when any such proceedings are initiated, the same shall be adjudicated expeditiously.



We request the adjudicatory forum to decide the same at the earliest and preferably within a period of three months from the date of placing of a copy of the present order.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.07.2022
Transmission Date	

