

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12978 of 2021

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Amitesh Shekhar Son of Late Kripa Nath Pandey Anni Besant Road, P.S.-
Pirbahore, P.O.- Bankipur, District- Patna- 800004.

... .. Petitioner/s

Versus

1. United Bank of India through the Chairman-cum- Managing Director 11 Hemant Basu Sarni, Kolkata, West Bengal- 700001.
2. Chief Manager United Bank of India, Stressed Assets Management Branch, 4th Floor, Saluja Building, Pee Pee Compound, Sujata Chowk, Main Road, Ranchi, Jharkhand- 834001.
3. Chief Regional Manager United Bank of India, Abhay Bhawan, Frazer Road, Near Budha Park, District- Patna, Bihar- 800001.
4. The Branch Manager United Bank of India, Longertoli, P.S.- Kadamkuan, District- Patna, Bihar- 800004.
5. The Branch Manager United Bank of India, Patna Main Branch, Near Veena Cinema Hall, P.S.- Kotwali, District- Patna, Bihar- 800001.
6. The Union of India, the Debt Recovery Tribunal Patna through the Registrar, 2nd Floor, (A,B and F Wing) Karpuri Thakur Sadan, Kendriya Karamchari Parisar (GPOA), Ashiyana Digha Road, District- Patna, Bihar- 800025.
7. The Recovery Officer Debt Recovery Tribunal, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rahul Srivastava, Advocate
		Mr. Alok Kumar Jha, Advocate
For the Respondent/s	:	Mr.Dr. K. N. Singh (ASG)

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

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

4 31-01-2022 Petitioner has prayed for the following relief(s):

a) For issuance of a writ in the nature



of certiorari for quashing of the order of Warrant of Arrest in execution dated 10-07-2015 issued by the Recovery Officer, Debt Recovery Tribunal, Patna in R.P. Case No. 329 of 2012.

b) For issuance of a writ/ direction in the nature of certiorari for quashing of the Certificate issued under Section 19 (22) of the Recovery of Debts due to Banks and Financial Institutions Act by the Presiding Officer, Debts Recovery Tribunal, Patna vide an ex parte judgment dated 12-10-2012 passed in O.A. No. 107 of 2012 whereby the petitioner has been directed to pay a sum of Rs.4402192.85/- along with pendente lite and future interest at contractual rate with monthly rests from 16-03-2012.

c) For issuance of a writ direction in the nature of certiorari for quashing of the entire process of recovery of loan initiated by the respondent bank against the petitioner.

d) For issuance of a writ/ direction against the erring respondent bank officials having failed to discharge their legal duties?

e) For issuance of a writ/direction against the erring respondent bank officials in course of adopting of recovery process against the petitioner upon whom the liability of payment of loan was illegally and deliberately fastened?

f) For any other relief/reliefs of which the petitioner found entitled to in the facts and circumstances of this case.”

Learned counsel appearing for the respondent Bank states that, on the petitioner's instructions, a sum of Rs.11,00,000/- stood adjusted into the account of a third party, which fact is seriously disputed by the learned counsel for the petitioner.

Well, disputed questions of fact cannot be adjudicated



in the present petition. As such, as prayed for by the petitioner, we dispose of the present petition on the following mutually agreeable terms:

(a) Petitioner shall make himself available in the office of Respondent No.4, namely The Branch Manager, United Bank of India, Longertoli, P.S. Kadamkuan, District-Patna on 15.02.2022;

(b) All documents in possession of the Bank in relation to the petitioner's account shall be handed over to the petitioner;

(c) Should there be any amount due and payable to the Bank by the petitioner, the same shall positively be made good on such mutually agreeable terms which the parties may decide.

Petition is disposed of reserving liberty to the petitioner to take recourse to further action in accordance with law.

Since Rs.11,00,000/- stood adjusted from the petitioner's account against the outstanding amount due and payable by the petitioner to the Bank, we are sure, after the date of such adjustment and corresponding reduction on the amount of interest with respect thereto, should the petitioner make a request for waiver of the amount of interest on the principal



amount, the Bank would consider such proposal in accordance with law and, more specifically, in terms of the R.B.I. guidelines and on the basis of the petitioner's request. Petitioner's request shall be considered positively within a period of four weeks.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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