

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8678 of 2022

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M/s Bhawani Dairy Project through its Proprietor Kumar Roshan Aged about 45 yrs. Gender- Male, S/o Late Dineshwar Prasad Verma, at Industrial Area Deona, Tilrath, P.S.- Barauni, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. The Canara Bank through its Chairman -cum- M.D. 42 J.C. Road, Bangluru.
2. The Authorized Officer Canara Bank, Harrakh Branch, Begusarai.
3. The Regional Manager Canara Bank, at Khuskibagh, Purnea.
4. Branch Manager, Canara Bank Harrakh Branch near Power House Chowk, P.S. and Town- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate
		Mr. Vijay Anand, Advocate
For the Respondent/s	:	Mr. Rajan Ghoshrahe, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-07-2022

Heard learned counsel for the parties.

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

“1. That the present writ application is being filed for quashing the demand notice dated 18.4.2022 issued under the signature of Respondent No.2 by which the petitioner's firm was directed to pay sum of Rs. 3,82,32,589.62 together with further interest and further restrict the secure creditor to exercise and take any further action contrary to the law.”

It is the petitioner's grievance that even though he



has got nothing to do with the accounts which stand declared as NPA, yet the respondent Bank has not taken any decision on the communication dated 24th of May, 2022 (Annexure-5).

Ordinarily, we would have relegated the parties to take recourse to the provisions under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, but, however, in the peculiar facts and circumstances, entertaining the petition for the alleged action to be totally non-est, we direct the respondent Bank to positively take a decision on the petitioner's request dated 24th of May, 2022 (Annexure-5).

Learned counsel for the respondent states that if the petitioner were to make himself available in the office of Respondent No. 3, namely, the Regional Manager Canara Bank, at Khuskibagh, Purnea., all issues would be squarely dealt with expeditiously in accordance with law.

Shri Y.V. Giri, learned senior counsel states that the petitioner shall make himself available in the office of Respondent No. 3 on 21st of July, 2022 at 10:30 A.M.

Liberty reserved to the petitioner to place additional material(s), if so required and desired.

We expect the respondent Bank to positively take a



decision on the petitioner’s request in accordance with law, preferably within a period of four weeks therefrom.

We only hope and expect that till such time decision is taken, the respondent shall not precipitate the action against the petitioner.

Liberty reserved to the parties to take recourse to such remedies as are otherwise available in accordance with law, should the need so arise subsequently.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	18.07.2022
Transmission Date	

