

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8701 of 2020

M/S Shiv Shankar and Company through its Proprietor Gautam Kumar @ Babloo @ Bablu Kumar, aged about 38 years, Son of Late Munna Yadav, Resident of Kathekar Talab, Purani Godown, Police Station- Kotwali, Gaya- 823001, at present resident of Sahi Masjid Road, Nadraganj Pull, Gaya, Gaya, Bihar- 823001.

... .. Petitioner/s

Versus

1. The erstwhile Vijaya Bank, presently merged and amalgamated in Bank of Baroda, Bank of Baroda through its Chairman, having its corporate, office at Plot no C-26, Block- G, Bandra Kurla Complex, Bandra (East) Mumbai, Maharashtra- 400051
2. Authorized Officer, Erstwhile Vijaya Bank merged in Bank of Baroda, Overseeing operation of Vijaya Bank, Regional Office, Hotel Satkar Building, Frazer Road, Patna- 800001.
3. Branch Manager, Vijaya Bank (Rechristened as Bank of Baroda) Gaya Branch, Fateh Bahadur, Shivala Road, District- Gaya- 823001.
4. District Magistrate, Gaya.
5. Sub-Divisional Officer, Gaya.
6. Debts Recovery Appellate Tribunal, Allahabad 147 A-58 (1)/ Jawahar Lal Nehru Road, Tagarh Town, Allahabad- 24003.
7. Debts Recovery Tribunal, 2nd Floor, Karpoor Thakur Sadan, Ashiana Digha, Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Ranjan, Advocate
For the Respondent/s	:	Mr. Mr. Vivek Prasad, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2022

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

- i) For issuance of an appropriate writ, order or direction in the nature of certiorari to quash the



order dated 27.2.2020 passed in Regular appeal No. 37/2019 by the Chairman Debts Recovery Appellate Tribunal, Allahabad respondent No. 5, whereby the appellate authority has set aside the order dated 20.4.2019 passed in SARFAESI Appeal No. 201/2018 by the Presiding Officer DRT, Patna whereby the action initiated under SRFAESI proceeding were quashed and direction was issued for restoration of possession.

ii) For a writ of certiorari to quash the order dated 31.3.2018 passed by the respondent no. 4 as wholly without jurisdiction and in violation of Principal of natural justice as the respondent no. 4 has abdicated his responsibility by not recording his satisfaction for passing any positive order and transferring the records to the Sub-Divisional Officer, whose decision vide order dated 5.9.2018 and 1.10.2018 as contained in Memo No. 899/legal and memo no. 955/legal respectively are illegal and Coram non-judice.

iii) For a writ of mandamus commanding the respondent to restore back the physical possession of the secured assets.

iv) For any other relief/reliefs to which the petitioner may be entitled to.”

Shri Vivek Prasad, learned counsel for the respondent bank, states that after adjusting the total amount deposited by the petitioner, as on date, a total sum of



Rs.1,60,90,927/- plus litigation charges are payable by the petitioner.

Shri Sanjeev Ranjan, learned counsel for the petitioner, states that petitioner intends to approach respondent No. 2, namely Authorized Officer, erstwhile Vijaya Bank merged in Bank of Baroda, Overseeing operation of Vijaya Bank, Regional Office, Hotel Satkar Building, Frazer Road, Patna, with a concrete proposal for (a) waiver of penal interest; (b) waiver/reduction of interest, if so permissible in accordance with the respondents' policy as also the guidelines issued by Reserve Bank of India, subject to the petitioner being treated without any discrimination. Also, to establish his bona fides, petitioner is ready and willing to deposit a sum of Rs.25,00,000/- with the respondent Bank within a period of two weeks.

Statement accepted and taken on record.

Let the proposal, concrete in all respects, along with the proof of furnishing Rs.25,00,000/- be placed before respondent No. 2, namely Authorized Officer, erstwhile Vijaya Bank merged in Bank of Baroda, Overseeing operation of Vijaya Bank, Regional Office, Hotel Satkar Building, Frazer Road, Patna, who shall take a decision thereupon strictly in



accordance with law and positively within a period of two weeks thereafter.

Needless to add, the petitioner shall be afforded an opportunity of hearing and a decision, assigning reason, shall be communicated to him.

Should the petitioner feel aggrieved by the order, it shall be open for him to take recourse to such other remedies as are otherwise available in accordance with law.

Petition is disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	24.11.2022
Transmission Date	

