

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10692 of 2020

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M/S Shankar Oil Mill through its proprietor Shiv Kumar aged about 43 years (male) son of Dwarika Prasad, Resident of S.P. Road, A.P.I. Hospital, Gaya, Bihar- 823001.

... .. Petitioner/s

Versus

1. The State Bank of India through its Chairman Head Office, State Bank Bhawan, M.C. Road, Nariman Point, Mumbai (Maharashtra).
2. The Assistant General Manager, S.B.I. SARB, SBI Main Branch Building, 2nd Floor, West Gandhi Maidan, Patna, District- Patna.
3. The Authorized Officer, SBI, SARB, 2nd Floor, SBI Main Building, West Gandhi Maidan, Patna, District- Patna.
4. The Branch Manager, S.B.I. Bazar Branch, Gaya, District- Gaya (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate
For the Respondent/s : Mr. Sanjay Singh Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

10 20-04-2022 Heard learned counsel for the parties.

The present petition has been filed seeking a writ of mandamus to direct the respondent Bank to accept the OTS offer submitted by the petitioner and issue sanction letter in terms of the OTS scheme.

Learned counsel for the petitioner submits that he has paid the entire amount as per the OTS scheme except the interest portion.

Learned counsel appearing for the Bank however



seriously disputes this contention and submits that Rs. 49 lakhs are still outstanding.

In view of the disputed questions of fact which have arisen, we feel that the same cannot be decided in writ jurisdiction. The petitioner is, thus, at liberty to avail alternative remedy available to him before the Debts Recovery Tribunal (hereinafter referred to as the 'DRT'), to which he is not opposed to. He shall be entitled to raise the plea that he has paid the entire amount in terms of the OTS scheme. The DRT shall pass orders as per law. If any question of limitation arises, that shall not stand in the way of the petitioner. To enable the petitioner to approach the DRT, we also direct that *status quo* regarding the property in question be maintained for a period of three weeks from today.

The writ petition stands disposed off.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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