

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11598 of 2022

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M/s. Kavya Enterprises through its Proprietor Rajiv Kumar, aged about 34 years (Male), Son of Yogendra Chaudhary, Resident of Village- Gopalpur Gopal, P.O.- Sarfuddinpur, P.S.- Bochaha, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The Punjab National Bank through its Managing Director, Corporate Officer- Plot No. 4, Sector 10, Dwarka, New Delhi- 110075.
2. The Zonal Manager, Punjab National Bank, 2nd Floor, Near Chanakya Hotel, Veer Chand Patel Path, Patna 800001.
3. The Regional Manager, Punjab National Bank, Circle Officer, Muzaffarpur, District- Muzaffarpur.
4. The Branch Manager, Punjab National Bank (formerly) known as Oriental Bank of Commerce),Sarfuddinpur Branch, Bochaha, Muzaffarpur- 843118.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate
For the Respondent/s : Mr. Arvind Kumar, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-08-2022 Heard learned counsel for the parties.

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

“For the issuance of a writ in the nature of Mandamus commanding the Respondents, not to exceed/execute the auction process pertaining to sale deed no. 6592 dated 11.12.2015, lying mortgaged with the Respondent Bank formerly known as the Oriental Bank of Commerce on the ground of the willful disobedience on the part of the petitioner as to the repayment of loan advanced to the petitioner firm M/s Kavya Enterprises without complying the



mandatory norms of Section 13(2) and Section 13(4) of Sarfaesi Act as the petitioner is all time willing to repay the right and just claimed of loan amount of the Respondent Bank.”

Learned counsel for the respondents states that if the petitioner were to initiate proceedings under the Securitization and reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 within a period of four weeks from today, the issue of limitation shall not be allowed to come in the way and the petition/application shall be heard and decided on merits in accordance with law.

Statement accepted and taken on record.

Learned counsel for the petitioner undertakes to supply particulars of the auction of the purchaser as also the details of the auction sale.

Let needful be done within a period of two working days from today.

We only hope and expect the appropriate authority to consider and decide the petition/application on its own merit and with reasonable dispatch.

We clarify that we have not expressed any opinion on facts and law. All issues are left open.

Learned counsel for the parties undertake not to take



any unnecessary adjournment in such proceedings.

The present petition stands disposed of with the liberty aforesaid.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

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