

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11342 of 2022

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M/s Nirmala Industries through its Proprietor Nikki Kumari, aged about 37 years, Female, wife of Aditya Kumar, resident of village - Dronpur, P.S. - Ahiyapur, District -Muzaffarpur. Petitioner/s

Versus

1. The Authorized Officer Central Bank of India, Regional Office, Bhagwanpur, Muzaffarpur.
 2. The Branch Manager, Central Bank of India, Amnaur Branch, Muzaffarpur.
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Respondent/s : Mr.Ajit Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- L. For quashing the Vacation notice dated 20.07.2022 issued under seal and signature of Authorized Officer, Central Bank of India, Regional Officer, Bhagwanpur, Muzaffarpur which has been received by the petitioner on 02.08.2022 at 4.00 p.m. whereby and whereunder the petitioner has been instructed to vacate the premises before / on 04.08.2022 during the pendency of O.A. No. 51 of 2022 filed by the respondent bank and S.A. No. 111 of 2022 filed by the petitioner challenging the notice issued under section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act-2002 (for short SARFAESI Act) both pending before the learned Debt Recovery Tribunal, Patna. (Annexure-)

- II. For further direction to the respondent bank to keep abeyance the further proceeding pursuant to possession notice till the disposal of the aforesaid O.A. No. 51 of 2022 and S.A. No. 111 of 2022.
- III. For further to quash the entire proceeding initiated against the petitioner under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act-2002
- IV. For any other relief / reliefs to which the petitioner may be found entitled to under the facts and circumstances of the case.

It is brought to our notice that the petitioner has already preferred an appeal under the provision of Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, which is still pending consideration.

Petitioner seeks liberty to approach the Tribunal seeking interim protection. This he undertakes to do so within two weeks from today.

Learned counsel for the respondent states that the petitioner would do so within the said period, no further action shall be precipitated.

Needless to add, the appeal shall be heard on merits on the basis of materials available on record.

The instant petition stands disposed of in the aforesaid

terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.08.2022
Transmission Date	NA