

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11736 of 2022

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M/s. Dev Shiva Agro (Pvt.) Ltd. represented through Smt. Ram Dulari Devi,
aged about 60 years, (Female) Managing Director, R/o village- Chandrahatti,
P.S.- Kurhani, District- Muzaffarpur, Pin- 884420.

... .. Petitioner/s

Versus

Authorised Officer-cum-Chief Manager Canara Bank, Motijheel,
Muzaffarpur, State of Bihar, Pin- 842001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate
For the Respondent/s : Mr. Rajan Ghoshrahe, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-08-2022

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

“That the present writ is being
filed for issuance of a writ in
the nature of Certiorari for
quashing the order dated
22.4.2022 passed by presiding
officer DRT Patna in RA no.
2/2021 rejecting the review
application cause great
prejudice to the petitioner.”

Having heard learned counsel for the petitioner, we are of the considered view that the present petition only merits rejection. The original order dated 05.01.2021 passed by the Presiding Officer, Debt Recovery Tribunal for the State of Bihar, Patna in O.A. Case No.182 of 2019 and counter claim No.1 of 2019, titled as Canara Bank Vs. M/s. Dev Shiva Agro Pvt. Ltd. & Ors. (Annexure-2) stands passed under the provisions of the Recovery of Debts and Bankruptcy Act, 1993.

The petitioner sought review of the said order which stands dismissed vide impugned order dated 22nd of April, 2022 passed in RA 2 of 2021, titled as M/s. Dev Shiva Agro Pvt. Ltd. & Ors. Vs. Canara Bank (Annexure-3).

It is not a case that the Tribunal did have no jurisdiction. It is also not a case where the Tribunal has exceeded its jurisdiction.

In this view of the matter, we are of the considered view that petitioner can conveniently raise all the pleas, subject-matter of the present petition, in the proceedings which the petitioner may choose to initiate under Section 20 of the SARFAESI Act.

Petition is dismissed on merits.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

K.C.Jha/Kundan

AFR/NAFR	
CAV DATE	
Uploading Date	25.08.2022
Transmission Date	