

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11965 of 2022

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M/s. B.K. Industries Ltd. having its registered office at B- 104, 4th Floor, Priyadarshi Apartment, Boring Road, Patna- 800001 through its director Mr. Binod Kumar Singh age 56, male, Son of Mr. Ramashish Prasad Singh, resident of B- 401, 4th Floor, Priyadarshini Apartment, Boring Road Crossing, Patna- 800001.

... .. Petitioner/s

Versus

Indian Bank (erstwhile Allahabad Bank) body corporate constituted under incorporated under the banking companies (acquisition and transfer of undertakings) Act, 1980 having its head office at Chennai, earlier at 2, N.S. Road, Kolkata- 700001 and now merged into Indian Bank branch thereof Indian Bank SAMB Patna, Khajpura near Jagdeopath, Bailey Road, Patna- 800014.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Archana Sinha @ Archana Shahi, 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):-

- (i) For granting stay of the notice dated 18. 06. 2022 and 28.5.2022 issued by Indian bank for vacating the only residential house of the petitioner till the disposal of the stay petition filed in Appeal before the DRAT ALLAHABAD as per the direction of the Hon'ble court in CWJC NO. 9233/2022 dated 21.7.2022 .
- (ii) For directing the respondent not to create the Third Party Right when the petitioner is ready to pay amount against the auctioned property/house of the petitioner .
- (iii) For any other consequential reliefs for which the petitioner is entitled during course of hearing of this writ petition, and in the facts of this case.



We are informed that the Hon'ble Presiding Officer of the Debt Recovery Appellate Tribunal (Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act) is not available for the period of four to six weeks on account of personal engagement. In this view of the matter, we dispose of the present petition in the following mutually agreeable terms:-

(i) With the availability of the Hon'ble Presiding Officer, petitioner shall immediately move an application seeking interim protection.

(ii) Petitioner undertakes to file an application seeking interim protection, within one week from the date the Hon'ble Presiding Officer is available.

(iii) We request the Tribunal to decide the same expeditiously and preferably within a period of four weeks thereafter.

(iv) Parties undertake to fully co-operate and not take any unnecessary adjournment.

(v) Order assigning reason shall be passed, copy whereof supplied to the petitioner.

(vi) Liberty to reserved to the petitioner to challenge the same, should the need so arise.



(vii) Till the time petitioner files an application,
status quo as on date shall be maintained.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Vikash/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	25.08.2022
Transmission Date	

