

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17023 of 2021

Shivendra Kumar S/o Braj Bihari Singh @ Brij Bihar Singh Resident of
Saraswati Bhawan near Ajay Santosh Lodge, Ara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The Dakshin Bihar Gramin Bank Head Office, Shri Vishnu Commercial Complex, near Petrol Pump National Highway, ByPass N H 30, Ashochak, Patna-16, through its General Manager.
2. The General Manager, Dakshin Bihar Gramin Bank Head Office, Shri Vishnu Commercial Complex, near Petrol Pump National Highway ByPass N H 30, Ashochak, Patna-16.
3. The Regional Manager, Dakshin Bihar Gramin Bank, Regional Officer, Shri Hariken Kumar Jain Trust Bhawan, Hariji Ka Hata Ara 802301.
4. The Dakshin Bihar Gramin Bank Branch Anaith Ara, District Bhojpur through its Chief Manager.
5. The Chief Manager, Dakshin Bihar Gramin Bank Branch Anaith, Ara, District Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad Bhakta, Advocate Mr. Mithilesh Kumar, Advocate
For the Respondent/s	:	Mr. Mahesh Narayan Parbat, Advocate Mr. Praveen Prabhakar, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

4 14-02-2022 Petitioner has prayed for following relief (s) :-

(a) For issuance of appropriate writ
for quashing the letter no.Anaith/Sale
Notice/7414 NC-159/285/2020-21 dated
27.08.2021 issued under SARFAESI Act, 2002



(Annexure-4 series) issued by the prescribed authority/Chief Manager of the respondent Dakshin Bihar Gramin Bank thereby the date of auction sale and venue has been fixed as 27.09.2021 at Daskshin Bihar Gramin Bank, the Regional Officer, Hariji Ka Hata, Sri Hariken Jain Trust Bhawan 802301, Ara.

(b) For issuance any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.”

It is stated that the Debt Recovery Tribunal, Patna is not functional for want of appointment of its Presiding Officer. It is under this circumstance that we are entertaining this petition.

Learned counsel for the petitioner states that the petitioner is ready and willing for one time settlement of the dispute by approaching the respondents with a proposal to fix the modalities for repayment of the rest mutually agreed amount in equal monthly installments, spread over a period of six months and/or waiver of the component of interest in terms of the guidelines issued by the Bank as well as by the Reserve Bank of India.

To establish his bona fides, petitioner is ready and willing to deposit a sum of Rs.10,00,000/- within a period of two weeks.

Statement accepted and taken on record.

In view of the statement made by the petitioner, the



petitioner is directed to approach the bank authorities for one time settlement by filing a proper application, after depositing Rs.10,00,000/-, with a proposal to fix the modalities for repayment of the rest mutually agreed amount in equal monthly installments, spread over a period of six months and/or waiver of the component of interest, within two weeks and the concerned bank authorities are directed to consider and decide the same within next two months.

Needless to add, while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Property shall not be put to auction-sale till such time the decision is taken on the proposal of the petitioner.

If the petitioner does not deposit the sum of Rs.10,00,000/- within the time stipulated, auction-sale will proceed.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.



We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Petition is disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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