# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Civil Writ Jurisdiction Case No.13928 of 2022**

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1. M/s Rameshwari Agro Services Pvt. Ltd. through its Director Sri Lakshman Prasad, Jao Gurudev Automobile Gaya Road Daudnagar, Aurangabad, Bihar - 824113.
2. Shri Lakshman Prasad S/o Late Rameshwar Singh, Resident of Q.No. 14, ASI Block, CID Colony , Shastri Nagar, Patna - 800023.

... ... Petitioner/s

Versus

1. The Union Bank of India through Managing Director, Union Bank Bhavan, 239, Vidhan Bhavan Marg, Nariman Point, Mumbai, Maharashtra -400021.
2. The Regional Manager, Union Bank of India, Regional Office Patna, Nasheman Bhavan, 1st Floor, Mazharool Haque Path, Frazer Road, Patna - 800001.

... ... Respondent/s

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**Appearance :**
For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate
Mr.Baua Jha, Advocate
Mr. Saket Gupta, Advocate
For the Respondent/s : Mr.Shivendra Kumar Roy, Advocate

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

**Date : 27-09-2022**

Petitioners have prayed for the following relief(s):

> "(i) For issuance of a writ in the nature of Certiorari quashing the show cause notice dated 29/07/2019 as well as the consequent Wilful Defaulter Proceedings and the order dated 18-12-2020, 07-06-2021 passed by the Identification Committee for Wilful Defaulter and final Order dated 20/10/2021 passed by the Review Committee for Wilful

Defaulter to declare the Petitioner as Wilful Defaulters under the RBI Master Circular dated 1st July 2015.

(ii) For Issuance of a writ in the nature of Mandamus or any other appropriate writ, Order, or direction in the nature thereof, restraining the Respondent Bank from reporting the names of the Petitioner to the Reserve Bank of India, credit rating agencies or any other third party as "Wilful defaulters" under the Master Circular. In the alternative, assuming that the Respondent Bank has already reported the names of the Petitioners to the Reserve Bank of India, credit rating agencies or any other third party as "Wilful defaulters", issue a writ of Mandamus or any other appropriate writ, order, or direction in the nature thereof directing the Respondent to cause deletion of their names from the list of "Wilful defaulters" maintained by the Reserve Bank of India, credit rating agencies and any other third party, as the case may be

(iii) For Issuance of a writ in the nature of Mandamus or any other appropriate writ, order or direction in the nature thereof, restraining the Respondent from publishing the names of the Petitioners and/or their photographs as "Wilful defaulters" on its website or otherwise on public domain. In the alternative, assuming that the Respondent has already done so, to issue a writ of Mandamus or any other appropriate writ, order or direction in the nature thereof, directing the Respondent to delete the names of the Petitioners and/or their photographs as “Wilful defaulters” from their website and public domain and to ensure publication of corrective statements withdrawing any such publication already made

(iv) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”

After the matter was heard for some time, Shri Bindhyachal Singh, learned Senior Counsel for the petitioner, fairly states that petitioner is not in a position to deposit any amount at this point in time.

Undisputedly, the respondent Bank has initiated proceedings for recovery of the amount which are pending adjudication before the Debt Recovery Tribunal, Patna.

The respondent Bank had initiated action against the petitioner both under the provisions of SARFAESI Act as also under Recovery of Debts and Bankruptcy Act, 1993. Petitioner had filed a counter claim in one of the original applications filed by the respondent Bank.

We are also informed that petitioner's application setting out counter claim, in the Bank application filed under SARFAESI Act, stands dismissed for non-prosecution, but however, application for restoration is pending consideration.

We are of the considered view that the issues raised herein can be conveniently adjudicated in the petition filed by the petitioner, in which application for restoration is pending, as also in the application filed by the respondent Bank under the provisions of the Recovery of Debts and Bankruptcy Act, 1993.

As such, we request the D.R.T., Patna to positively take up the application for restoration at the earliest and decide the same expeditiously and not later than four weeks from the date of placing on record a copy of the present order.

Equally, it shall be open for the petitioner to take all pleas in either of the main petitions filed by the Bank or on restoration of his application.

Petition stands disposed of in the aforesaid terms.

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

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

K.C.Jha/DKS

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| **AFR/NAFR** | |
| **CAV DATE** | |
| **Uploading Date** | 29.09.2022 |
| **Transmission Date** | |