

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18728 of 2021

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Pramod Kumar Son of Jagdeo Prasad, Proprietor of M/S Laxmi Mini Rice Mill, Resident of Village - Lalapur, P.S.- Kudra, District - Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The Chief Manager cum Authorized Officer Bank of Baroda, Patna.
2. The General Manager, Bank of Baroda, 5th Floor, Anand Bihar, Boring Canal Road, Patna.
3. The Regional Manager, Bank of Baroda, Gaya.
4. The Sr. Branch Manager, Bank of Baroda, Mohania Branch, Station Road, District - Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari, Advocate
For the Respondent/s : Mr.Vivek Prasad, Advocate

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

Date : 30-06-2022

Heard learned counsel for the parties.

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

(I) For quashing the SARFAESI Notice issued under section 13(4) of the SARFAESI Act 2002 dated 04.08.2021 for the sale of secured assets.

Further direction to Respondent no.4 not taking any coercive action against the petitioner for sale of secured assets till the disposal of representation pending before the Bank.

A Photostat copy impugned notice dated 04.08.2021 is being annexed herewith and marked as **Annexure-1** to this writ petition.

(II) For issuance of a writ of Certiorari for quashing the entire proceeding of recovery of outstanding arrear of loan initiated by Respondent

no.4 under section 13(2) to 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 including the notice under section 13(2) dated 05.04.2021 and auction notice us 13(4) against the Cash Credit Loan which were sanctioned the sum of Rs.95,00,000/- (Ninety five lacks) in C.C. Account No.(00070500000520200070-600001419) for the business of production of rice from the Bank of Baroda Mohania Branch at Bhabua.

(III) For issuance of a writ in the nature of mandamus directing the respondent no.4 to issue fresh notice after deduction of amount of fixed deposit and interest and term loan have been mentioned in demand notice within the procedure set off in the

guidelines issued by the Reserve Bank of India.

(IV) For issuance of a writ in the nature of declaration that the Respondent Bank and its authority illegally, arbitrarily and unreasonably withheld the disbursement of sanction loan to the petitioner and pushed the petitioner towards incipient sickness and also arbitrarily proceeded to categorize the accounts as non performing assets and consequent action of recovery of the entire loan by way of adopting coercive measure under section SARFAESI Act 2002.

(V) And pass such other order or orders which your Lordships may find just and proper.

Leaving the issue of maintainability open, more so, in view of the fact that the petitioner is ready and willing to sit with the respondent with an endeavour of having all the issues

settled amicably, to which none has any objection, we dispose of the present petition on the following mutually agreeable terms:-

Petitioner shall approach respondent no. 4, namely, the Sr. Branch Manager, Bank of Baroda, Mohania Branch, Station Road, District - Kaimur (Bhabua), highlighting the issues, subject matter of the present petition.

We only hope and expect that the respondent shall take a decision thereupon expeditiously in accordance with law.

We have not expressed any opinion on merits. All issues are left open.

The present petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	