

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16886 of 2019

M/s Shakambhari Agro Foods Industries through its Partner Mohit Sah S/o Sri Narayan Prakash Sah, resident of Jairam Das Sah Road, Bharatpur Simli, Malsalami, Patna City, Patna 800008, Bihar. Petitioner/s

Versus

1. Bank of India through its Chairman having its Head Officer at Star House, C-5, Bandra Kurla Complex, Bandra East, Mumbai 400051.
2. Zonal Manager, Bank of India, Zonal Office, Chanakya Place, R- Block, Patna 800001.
3. The Authorised Officer, Bank of India Zonal Office, Chanakya Place, R-Block, Patna 800001.
4. The Branch Manager, Bank of India, Patna City Branch, Patna 800008.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh. Advocate
For the Respondent/s : Mr. Ajay Kumar Sinha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-12-2022

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

“(b) For issuance of an appropriate writ/order or direction in the nature of writ of certiorari for quashing the notice dated 12/6/2019 under section 13(2) of SARFAESI Act 2002.

(c) For issuance of a writ in the nature of Prohibition restraining the respondent Bank from exercising any power in terms of the provisions of the SARFAESI Act, 2002 or under the Recovery of and Bankruptcy Act, 1993 or any other law for coercive recovery of the outstanding dues from the petitioner during the pendency of disputes regarding final settlement of accounts with the respondent Bank specially with respect to the legally recoverable liability of the petitioner.



(d) For a declaration that the petitioner having categorically raised the issue of wrong calculation of Bank's dues right from the first day when the Bank had invoked Sarfaesi Act, 2002, and served Demand Notice u/s 13 (2) of the Act, 2002, on the Petitioner, the respondent Bank ought to have dealt with the said objection of the petitioner in right perspective instead of going ahead with coercive method for recovery of its ineligible dues without application of mind.

(e) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts & circumstances of the case.”

Learned counsel for the petitioner seeks permission to withdraw the present petition.

Permission granted.

The instant petition stands disposed of as withdrawn.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

