

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16737 of 2019

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Satish Kumar Modi Son of Late Mahabir Prasad Modi Resident of P-22, Swallow Lane, Kolkata-PIN-700001. Presently residing at Alipore Terrace, 2nd Floor 12, Raja Santosh Roy Road, P.O. and P.S. Alipore, District-Kolkata 700027

... .. Petitioner/s

Versus

1. The State Bank of India through its Branch Manager, State Bank of India, Industrial Finance Branch, Narain House, Nageshwar Colony, Boring Road, Patna
2. Industrial Credit and Investment Corporation of India ICICI Tower, North Tower, East Wing, Bandra Kurla Complex, Mumbai
3. H.K. Modi Anurag 100, Patliputra Colony, Patna 800013 presently at Electro Steel Casting Limited, 19, Camac Street, Kolkata- PIN-700017
4. N.K. Modi W/30, Greater Kailash, Part-II, New Delhi-110048

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avinash Shekhar, Advocate
For the Respondent/s : Mr. Kaushlendra Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2022

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

“i) To issue an appropriate writ, order or direction in the nature of **certiorari** for quashing the order dated 30.10.2018 passed by the Chairman, Debt Recovery Appellate Tribunal, Allahabad (hereinafter referred to as "**DRAT**") in Appeal (T) No. 137 of 2014 (Annexure 9) whereby and where under the well-



founded appeal of the petitioner has been dismissed and the order dated 31.08.2009 passed by the Presiding Officer, Debt Recovery Tribunal, Patna in Misc. Appeal No. 47 of 2007, has been affirmed.

ii) To grant any other relief or relief(s) to which the petitioner is found entitled to in the facts and circumstances of the case.”

After the matter was heard for some time, finding the Bench not to be in favour of the submission made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petition, in its present form, may be permitted to be withdrawn reserving liberty to file afresh with better particulars on the same and subsequent cause of action, if so required and desired.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

As and when such petition is filed, registry shall process it immediately and have it listed before the appropriate Court.

Also liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.



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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Bibhash/KCJha

AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2022
Transmission Date	

