

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19890 of 2021

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Abha Sinha W/o Late Manoj Prasad Sinha, R/o Hari Bhawan, near Ganga
Singh College, Salempur, P.S.- Chhapra Town, Chhapra, Saran- 841301.

... .. Petitioner/s

Versus

1. The Authorized Officer, Indian Bank (erstwhile Allahabad Bank) Om Shanti Complex, 1st floor, Jila School, Zonal Office, Muzaffarpur - 842002.
2. The Branch Manager, Indian Bank (erstwhile Allahabad Bank), Chhapra Branch, Chhapra.
3. Mr. Vivek Saran, S/o Late Shambhu Sharan, R/o West of Joginya Kothi, Near Ramji Singh, Dahiyawan Tola, Chapra -

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate
For the Respondent/s : Mr.Sanjay Singh Thakur, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(I) For issuance of writ of mandamus directing the respondent Bank to settle the Cash Credit (CC) loan A/c No.20925005443 of respondent no.3 under One Time Settlement Scheme and to return all the securities against the Cash Credit loan account after receiving payment of the settlement amount under the Scheme to the petitioner with NO DUES CERTIFICATE;

(ii) For issuance of writ of certiorari to quash and cancel the possession Notice dated 22/09/2021 affixed at the only residential house of the petitioner on 02/11/2021;

(iii) For staying the entire further SARFAESI

proceedings after Possession notice dated 22/09/2021 including sale notice for selling out the mortgaged immovable property which Bank is likely to initiate shortly; And/or
(iv) This Hon'ble Court may be pleased to pass such other order/orders, direction/directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

We are entertaining the present petition in view of the fact that at this point in time, the Debt Recovery Tribunal is not functional on account of non-appointment of Presiding Officer.

Learned counsel for the petitioner states that petitioner is ready and willing to settle the matter with the Bank. To show her bona fides, petitioner undertakes to deposit ₹1,00,000/- (Rupees one lacs only) on or before 22.03.2022.

Taking a holistic view, we dispose of the present petition on the following mutually agreeable terms:-

(a) Petitioner shall positively deposit a sum of ₹ ₹1,00,000/- (Rupees one lacs only) with the respondent Bank on or before 22.03.2022;

(b) Petitioner shall make herself available in the office of the Respondent No. 1, namely, The Authorized Officer, Indian Bank (erstwhile Allahabad Bank) Om Shanti

Complex, 1st floor, Jila School, Zonal Office, Muzaffarpur - 842002 on 22.03.2022 at 10:30 A.M. with a proposal, complete in all aspect, for-(i) re-determining the amount due and payable by the petitioner to the Bank; (ii) seeking waiver of interest on the principal amount due and payable in terms of the policy of the Bank as also the guidelines issued by the Reserve Bank of India;

(c) The Bank shall take a decision on the petitioner's request within a period of eight weeks thereafter;

(d) Such decision has to be in accordance with law; the guidelines issued by the Reserve Bank of India and maintaining parity;

(e) Till the time proposal is pending with the authorities, no coercive action shall be taken against the petitioner.

(f) If the petitioner fails to deposit a sum of ₹1,00,000/- (Rupees one lacs only), as undertaken by her, or repay the amount in terms of the schedule fixed by the Bank on mutually agreeable terms, it shall be open for the Bank to take recourse to the remedies in accordance with

law, including sale of mortgaged/hypothecated property.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.03.2022
Transmission Date	NA