

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19917 of 2021

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Anoop Pareek Son of Sri Satyanarayan Sharma, resident of Mahavir Lane,
P.S.- Buddha Colony, District - Patna.

... .. Petitioner/s

Versus

1. LIC Housing Finance Limited 131 Maker Tower, F Premises, 13th Floor, Cuffe Parade, Mumbai - 400005.
2. LIC Housing Finance Limited, Bombay Life Building, 2nd Floor, 45/47, Veer Nariman Road, Fort, Mumbai - 400001.
3. The Area Manager, LIC Housing Finance Limited, Z.B.C., 4th Floor, B.S.F.C. Building, Fraser Road, Patna.
4. The Authorize Officer, LIC Housing Finance Limited, 8th Floor, B.S.F.C. Building, Fraser Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate
For the Respondent/s : Mr. Lakshman Lal Pandey, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 03-02-2022 Petitioner has prayed for following relief(s) :-

“For issuance of a writ in the nature of writ of certiorari for quashing of demand notice dated 21.01.2021 issued under Section 13(2) of the securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter to be referred as the ‘SARFAESI Act for brevity) and the possession notice dated 24.03.2021 and for further order/order, relief/reliefs in the facts and circumstances of the case the petitioner may entitled too.”



Learned counsel for the petitioner states that petitioner is ready and willing to settle the dispute by approaching the respondent authorities.

To show his bona fides, petitioner, through the learned counsel, undertakes to deposit a sum of Rs. 17 Lakh within a period of one week from today.

Undertaking accepted and taken on record.

Also, petitioner is ready and willing to approach the respondent lender for one time settlement, be it for waiver of interest or the repayment of amount in installments.

Learned counsel for the respondent L.I.C. does not oppose such proposal.

In view of the undertaking made by the petitioner, the petitioner is directed to approach the respondent authorities i.e. Respondent No. 3, namely The Area Manager, LIC Housing Finance Limited, Z.B.C., 4th Floor, B.S.F.C. Building, Fraser Road, Patna, by filing a proper application after depositing a sum of Rs. 17 Lakh and the concerned respondent authorities are directed to adjudicate and decide the issue of waiver of interest and/or to fix the modalities for repayment of the rest amount within a period of three months.

Till such time the proposal is decided, status quo shall



be maintained.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Petition is disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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