

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19949 of 2021

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M/s Ynrji Industries through its proprietor Mr. Rajiv Rajan Panday, S/o Mr. Rajanikant Pandey, At Bhadasara, P.O. Kakila, Anchal- Jagdishpur, Dist- Bhojpur- 802158

... .. Petitioner/s

Versus

1. The P.O., Debt Recovery Tribunal Patna.
2. The Registrar, Debt Recovery Tribunal, Patna.
3. The Zonal Manager Bank of Baroda, 4th Floor, Anand Vihar, West Boring Canal Road, Patna, Bihar- 800001
4. The Regional Manager Bank of Baroda 4th Floor, Anand Vihar, West Boring Road, Patna, Bihar- 800001
5. The Branch Manager, Bank of Baroda, Mahavir Tola Branch, Ara, Bhojpur- 802301
6. Authorised Officer, Bank of Baroda, Mahavir Tola Branch, Ara, District- Bhojpur- 802301

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajendra Nath Sinha, Advocate
For the Respondent/s	:	Mr.Siddharth Harsh, Advocate
For the Bank	:	Mr. Umapati Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(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.)

Date : 25-01-2022

Petitioner has prayed for the following relief(s):

“I. For a direction to respondent bank 5 and 6 to stay the operation of auction sale notice dated 18.11.2021 till final disposal of S.A case no.134



Of 2021 from DRT PATNA.

II. For direction to respondent's bank 5 and 6 to file WS pursuant to the order of the learned PO, DRT Patna.

III. For direction to respondents Bank Manager, Bank of Baroda, Ara Bhojpur to abide by the order of the DRT, Patna.

IV. To what other relief or reliefs for which the petitioner is entitled may kindly be given.”

We are informed that at this point in time the Debt Recovery Tribunal is not functional as no presiding officer stands appointed. It is under these circumstances, we are entertaining the present petition.

To establish his bona fides, petitioner has deposited a sum of Rs. 6,00,000/- with the bank. It is in terms of our interim order dated 15.12.2021.

Today, learned counsel for the petitioner states that petitioner is ready and willing to approach the respondent bank, making a request for one time settlement and also pay the amount, to be mutually agreed upon, in monthly installments, spread over a period of six months.

Shri Umapati Jha, learned counsel for the respondent bank, states that petitioner's request shall be considered and decided expeditiously in accordance with law.



As such, we dispose of the present petition on the following mutually agreeable terms:

(a) Petitioner shall make himself available in the office of Respondent No. 5, namely The Branch Manager, Bank of Baroda, Mahavir Tola Branch, Ara, Bhojpur on 10.02.2022 when a proposal, complete in all respects, shall be made;

(b) The said proposal shall be considered and decided in accordance with law and, more so, the guidelines issued by the bank and by Reserve Bank of India;

(c) Petitioner undertakes to pay the mutually agreed amount, in equal installments spread over a period of six months.

(d) Till such decision is taken, no coercive action shall be taken against the petitioner.

If aggrieved by the said decision/order, the parties 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.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.02.2022
Transmission Date	

