

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20167 of 2021

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Zoom Studio through proprietor Shir Parasnath Gupta S/O Late Bishnu Lal
Resident of D - 82, Vishnu Sadan, PNT colony, HarniChak, Anishabad Patna -
800002.

... .. Petitioner/s

Versus

1. Indian Bank, Head Office, - 66, Rajaji, Salai, PB No. - 1384, Chennai, India.
2. Indian Bank, Zonal Office, Budh Marg, Patna - 800001.
3. The General Manager, Zonal Office Budh Marg, Patna - 800001.
4. The Branch Head, Patna Main Branch, Budh Marg, Patna - 800001.
5. The Authorised Officer, Indian Bank (Erstwhile, Allhabad Bank), Patna
Main Branch, Budh Marg, Patna - 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Respondent/s : Mr.Shambhu Nath, 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 08-02-2022 Petitioner has prayed for following relief(s):-

“That this application is
being filed on behalf of petitioners
for issuance of writ/ writs, in the the
nature of certiorari for quoting the
demand notice dated 01/07/2020



issued under Section 13 (12) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 read with rule 8 & 9 of Security Interest (Enforcement) Rules 2002 and Possession Notice dated 30/10/2021 and for further issuance of appropriate writ/writs, order/orders, direction/ directions in facts and circumstances of case for which petitioners are legally entitle for.”

It is stated that the Debt Recovery Tribunal, Patna is not functional for want of appointment of its Presiding Officer. It is under this circumstance that we are entertaining this petition.

Learned counsel for the petitioner states that the petitioner is ready and willing to resolve the dispute by approaching the respondents with a proposal to fix the modalities for repayment of the rest amount in equal monthly installments spread over a period of six months and/or waiver of the component of interest.

To establish his bona fides, petitioner is ready and willing to deposit a sum of Rs. 5 Lakh within a period of one week.

We are of the considered view that the petitioner's offer, at this stage, is reasonable.

In view of the statement made by the petitioner,



the petitioner is directed to approach the bank authorities, within two weeks by filing a proper application, after depositing Rs. 5 Lakh, with a proposal to fix the modalities for repayment of rest of the amount in equal monthly installments spread over a period of six months and/or waiver of the component of interest. The concerned bank authorities are directed to consider and decide the same within next two months. Till then no coercive action shall be initiated by the Bank.

Needless to add, 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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