

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20227 of 2021

1. M/s Chandra Thermoforming Industry Prop. Shri Ajay Chandra, male, aged about 29 years, s/o Shri Girish Chandra Prasad, Resident of Karamkila, Sadurikarma, Via-Barun, P.S.-Barun, District-Aurangabad, Pin-824112, Bihar.
2. Shri Ajay Chandra, S/o Shri Girish Chandra Prasad, Prop. of M/s Chandra Thermoforming Industry, Resident at Gandhi Nagar, Road No. 09, Ward No. 27, Dehri, District-Rohtas.
3. Shri Girish Chandra Prasad, S/o Late Lala Aditya Prasad, Resident at Gandhi Nagar, Road No. 09, Ward No. 27, Dehri, District-Rohtas.
4. Smt. Sunita Sinha, W/o Shri Girish Chandra Prasad, S/o Late Lala Aditya Prasad, Resident at Gandhi Nagar, Road No. 09, Ward No. 27, Dehri, District-Rohtas.

... .. Petitioner/s

Versus

1. The State Bank of India Stressed Assets Recovery Branch (SARB), Second Floor, Patna Main Branch Building, Patna-1 through the Chief Manager.
2. The Assistant General Manager, SBI (SARB) Patna, Second Floor, Patna Main Branch Building, Patna-1.
3. The Authorised Officer, The State Bank of India, Stressed Assets Recovery Branch (SARB), Second Floor, Patna Main Branch Building, Patna-1.
4. Pradeep Lallan Singh, S/o Sri Lallan Nanku Singh, C/o -SBI (SARB), 2nd Floor, Patna Main Branch Building, Patna-1.
5. Sobha Prasad Singh, D/o Sri Kameshwar Singh, C/o -SBI (SARB), 2nd Floor, Patna Main Branch Building, Patna-1.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Raju Giri, Advocate Mr. Santosh Kumar Mishra, Advocate
For the Respondent/s	:	Mr.Sanjiv Kumar, Advocate Mr. Sanjay Singh Thakur, Advocate Mr. Parijat Saurav, Advocate

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.)

3 25-01-2022

On 15.12.2021, we had passed the following order:

“Shri Raju Giri, learned counsel for the petitioner states that the petitioner is ready and willing to abide by the terms of one time settlement arrived at with the respondent bank. According to the petitioner, which position is seriously disputed by the respondent bank. For establishing his *bona fide*, petitioner is ready and willing to deposit a sum of Rs.20,00,000/- within next 24 hours. Also, petitioner is ready to furnish an undertaking to this Court to pay the balance amount, out of the amount determined as one time settlement, within next three months.

We find the offer and intent of the petitioner to be *bona fide*. As such, we direct that the parties, as on date, shall maintain *status quo*, for as we are informed that the physical possession of the property, auction sold, has yet not been handed over to the auction purchaser.

Petitioner shall furnish an undertaking to this Court of abiding by the offer reproduced (*supra*).

We clarify that the petitioner through learned counsel has been apprised of the consequences of breach of the undertaking, including initiation of proceedings for contempt of Court.

Our order shall stand automatically vacated if the amount is not deposited.



Let notices be issued to the respondent Nos. 4 and 5 to be served through the respondent No.2, namely, the Assistant General Manager, SBI (SARB) Patna.

Learned counsel for the Bank shall inform the private respondent Nos. 4 and 5 of the pendency of the present petition and passing of such order.

List on 19.01.2022.”

Undisputedly, the said order was not complied with and, as such, the bank has taken the consequential action of handing over the possession of the property auction-sold to the auction purchaser.

In view of the intervening developments, petitioner seeks permission to withdraw the present petition, reserving liberty to challenge the intervening developments.

Petition is disposed of as withdrawn with the liberty aforesaid.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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