

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16119 of 2022

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Birendra Kr. Singh, Son of Late Rambilash Singh, R/o-New Road, Shanti Nagar, Phusro, Near Hanuman Mandir, P.O. Phusro bazar, P.S. Bermo, Bokaro, Phusro Bazar, State of Jharkhand.

... .. Petitioner/s

Versus

1. The Bihar State Financial Corporation through its Managing Director, Bihar State Financial Corporation, Frazer Road, Patna.
2. The Managing Director, Bihar State Financial Corporation, Frazer Road, Patna.
3. The Bihar State Credit and Investment Corporation Ltd. through its Managing Director, 4th Floor, Indira Bhawan, Ramcharitra Singh Path, Bailey Road, Patna.
4. The Managing Director, Bihar State Credit and Investment Corporation Ltd., 4th Floor, Indira Bhawan, Ramcharitra Singh Path, Bailey Road, Patna.
5. The Branch Manager I/C, Bihar State Financial Corporation, Gaya.
6. The Deputy Manager (Recovery) Bihar State Financial Corporation, Frazer Road, Patna.
7. The Deputy Manager cum Public Information Officer, Bihar State Financial Corporation, Frazer Road, Patna.
8. Sri Raj Kumar Prasad S/o Late Kamakhya Shah, Auction Purchaser, Bihar State Credit and Investment Corporation Ltd., 4th Floor, Indira Bhawan, Ramcharitra Singh Path, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma, Advocate

For the Respondent/s : Mr.Kumar Abhimanyu Pratap, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 01-12-2022 Heard learned counsel for the parties.

The petitioner has prayed for the following relief(s) :-

“for issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of mandamus/certiorari for quashing of the order dated 3.8.2021 passed by Managing Director of Bihar State Credit And Investment Corporation Ltd. (Respondent no.4 herein) communicated vide letter no.796 dated 17.11.2021 under the signature of Deputy Manager (respondent no.7) whereby and where under assets of M/s Bihar Steel Tubes Pvt. Ltd, which was taken over by BICICO on auction sale under the provision u/s 29 of SFC Act 1951 has been handed over to Sri Raj Kumar Prasad (Respondent no.8 herein) in presence of officials on 'as is where is basis' and by which it has been order that Sri Mohit Mohan Prasad will prepare the Inventory Report of the assets accordingly. Further prayer for a direction to the respondent BICICO to hand over the said assets of M/s Bihar Steel Tubes Pvt. Ltd to the petitioner on the basis of single bidder in auction sale of the said unit. And for the other necessary relief/reliefs for which the petitioner is legally entitled to in accordance with law.”

After the matter was heard for some time, finding the Court not to be in favour of the submissions made across the bar, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to approach respondent No.2, namely, the Managing Director, Bihar State Financial Corporation, Frazer Road, Patna for venting out the grievances, moreso, with regard to refund of the



amount of security deposited prior to the negotiations which were conducted as reflected vide document at Annexure-1, Page -12.

Prayer allowed.

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the respondent No.2, namely, the Managing Director, Bihar State Financial Corporation, Frazer Road, Patna within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be



communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

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

(g) 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;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits.
All issues are left open;

(j) The proceeding shall be conducted through



digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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