

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20730 of 2019

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Vijay Kumar Patel Son of Ram Awadh Choudhary Resident of Station Road,
Nokha, P.S.- Nokha, District- Rohtas.

... .. Petitioner/s

Versus

1. The Regional Manager Bank of Baroda, Anand Vihar, 4th Floor, West Boring Canal Road, Patna.
2. The Branch Manager, Bank of Baroda, Nokha Branch, District- Rohtas.
3. M/s Vishal Traders through its proprietor Vishal Kumar Son of Sri Brij Bihari Prasad, Resident of Nokha Main Market, Near Post Office, P.S.- Nokha, District- Rohtas.
4. Shobha Gupta Wife of Brij Bihari Prasad Resident of Nokha Main Market, near Post Office, P.S.- Nokha, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Advocate
\		Mr. Ajay Kumar Jain, Advocate
		Mrs. Alka, Advocate
For the Respondent/s	:	Dr. Anshuman, Advocate
		Mr. Manish Kishore, Advocate
		Mr. Bal Bhushan Choudhary, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-12-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (a) For an order/direction to the respondent-bank for payment of interest@ 18 percent on the auction amount of Rs. 54,16,352



paid by the petitioner/auction purchaser in the bank's account till 06.12.17 and the said amount has been returned by the bank on 22.08.19 without any interest accrued on the auction amount for the intervening period of about one year and 9 months.

- (b) For payment of compensation of Rs. 5 Lakhs for the harassment mental agony and huge financial loss sustained by the petitioner/auction purchaser due to the laches of the bank.
- (c) Any other order/directions appropriated under the facts and circumstances of the case.

Undisputedly, petitioner was a party in the proceedings in which the auction sale, subject matter of the present petition, was set aside. Petitioner had been arrayed as party only for the reason that he was an auction purchaser.

It is not in dispute that petitioner has not challenged the judgment dated 01.08.2019 passed by the Debts Recovery Tribunal, Patna in SA 189 of 2018 (Annexure-4, Page-17). It is also not in dispute that respondent Bank has reimbursed as return the entire amount deposited by the auction purchaser, though on 22nd of August, 2019.

We notice that the said amount was returned post passing of the judgment by the Debts Recovery Tribunal, Patna.



Whether petitioner was entitled to interest thereupon or not is something which the petitioner was required to agitate in the said proceedings. Also, whether it was so done or not is not clear from the record.

Be that as it may, petitioner's remedy does not lie in filing the instant petition under Article 226 of the Constitution of India but by preferring an appeal, as envisaged under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

The petition stands disposed of with liberty to the petitioner to agitate the grievance before the appropriate authority.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	13.12.2022
Transmission Date	

