

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17030 of 2022

Prabhavati Devi Wife of Virendra Singh Resident of Village- Bhuiy, P.S.-
Ekma, District- Saran (Chapra).

... .. Petitioner/s

Versus

1. The Chief Manager-Cum-Authorized Officer, State Bank of India Regional Business office, Region-3, Sahebganj, Chapra- 841301.
2. The Branch Manager, State Bank of India, Ekma Branch, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate
		Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Sanjiv Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

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 : 09-12-2022

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

“For issuance of appropriate writ/writs, order/orders, direction/directions for quashing of letter no. RBO/CHAPRA/CREDIT & NPA/G-2239 dated 18.11.2022 issued under the signature of Regional Manager respondent no. 1 whereby and whereunder office made by petitioner either for restructuring/one time



settlement of due loan amount of Rs. 1265380/- + Interest upto date has been rejected and petitioner has been directed to deposit entire amount on or before 22.12.2022 otherwise her house will be put on auction on 22.12.2022.

(ii) For issuance of appropriate writ/writs, order/orders, direction/directions for quashing of e-auction notice dated 12.11.2022 published in the daily newspaper edition of Dainik Bhaskar whereby and whereunder mortgaged property of petitioner has been put on auction to be held on 22.12.2022 in respect of mortgaged property appertaining to Khata no. 812, Plot no. 996, Area- 2 Khatta 13 Dhur having dwelling house on the same and said property was mortgaged for securing loan of Rs. 1197000/- from the State Bank of India, Branch-Ekma by taking into consideration the fact that petitioner is ready to pay the due loan amount either under one-time settlement or by restructuring the loan amount.

(iii) For issuance of appropriate writ writs, order/orders direction/directions commanding the respondent authorities to accept the offer of petitioner either for restructuring the loan amount or settlement of loan under the scheme of one-time settlement by taking into consideration the willingness and readiness on part of the petitioner who has already deposited Rs. 352000/- on 30.09.2022 and 01.10.2022 pursuant to liberty granted to petitioner for settlement of loan by Debt Recovery Tribunal,



Patna in order dated 29.09.2022 passed in S.A. no. 245/2022 but still bank refused to accept the offer made by the petitioner and proceeded for e-auction to be held on 22.12.2022.

iv) For issuance of any other relief/reliefs for which petitioner is found entitled in the eye of law and in the facts and circumstances of the present case.”

From the communication dated 18th of November, 2022 (Annexure-1, page-18)), it is evident that petitioner has to pay more than thirteen lacs rupees. What is that exact amount, as on date, cannot be ascertained for learned counsel for the respondent Bank has to ascertain such information.

Shri Rama Kant Sharma, learned senior counsel for the petitioner, under instruction, states that petitioner, who had availed the loan facility for the purposes of purchasing a residential house, is ready and willing to deposit the entire outstanding amount in equal installments spread over a mutually agreeable period or, if the bank were to waive off the component of interest in terms of the R.B.I. Guidelines and policy as also the guidelines of the Bank, without discriminating the petitioner, the entire reduced outstanding amount would be paid within one month.

Statement accepted and taken on record.



Let the petitioner approach respondent No. 1, namely The Chief Manager-Cum-Authorized Officer, State Bank of India, Regional Business Office, Region-3, Sahebganj, Chapra, giving a concrete proposal of the manner in which the petitioner intends to repay the entire amount. He is directed to make himself available in the office of respondent No. 1, on 22.12.2022 at 11:00 a.m., who shall, after considering the petitioner's proposal, take a final decision in accordance with law.

Should the parties agree to have the amount reduced, the petitioner shall pay the amount within four weeks thereafter. However, should the parties agree that interest has to be paid, be it on whatever terms and rate of interest, time would be afforded to the petitioner to repay the amount.

Till then, no coercive action shall be taken against the petitioner.

Liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law, with the decision being taken by respondent No. 1.

We are passing this order only with an endeavour of putting an end to the entire litigation before different foras.

Petition is disposed of in the aforesaid terms.



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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2022
Transmission Date	

