

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18389 of 2008

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M/S Bajrang Paper Products, Partnership Concern represented through Sri Hari Narayan Sinha, S/o Late Modan Singh, being the power of attorney holder of its Partners, Resident of 447, Nehru Nagar, P.O + P.S. - Patliputra Colony, District – Patna.

... .. Petitioner/s

Versus

1. Allahabad Bank, a body corporate constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Act 1970, having its Head Office at 2, Netaji Subash Road, Kolkata and its Office amongst other places at Ashok Nagar Branch, Kankarbagh, Patna, P.S.-Kankabagh, District – Patna. Through its Branch Manager.
2. The Zonal Manager, Allahabad Bank, Zonal Office, in front of Kotwali Police Station, Patna – 800001.
3. The Chief Manager, Allahabad Bank, Recovery Branch, Raj Towers, 1st Floor, Boring Road Crossing, Patna – 800001.
4. The Presiding Officer, Debt Recovery Tribunal, 396, East Boring Canal Road, Patna – 800001, Bihar.
5. Sri Raj Kumar Sinha, S/o Ram Nandan Lal, Resident of Sankat Mochan Marg, Machharhatta, Patna City, Dist.-Patna.
6. M/s Shashi Ranjan Enterprises Private Ltd., Represented through its Director Shri Pranav Kumar, S/o Sri Kartik Kumar, Resident of 197 B, Sri Krishnapuri, Patna – 800001. Regd. Office at – Charkothia ‘D’, S.P. Verma Road, P.S.-Kotwali, District – Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	None

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

9 25-02-2023 None appeared on behalf of the parties despite repeated calls.

2. Petitioner is aggrieved by the steps taken under Sub-Section 4 of Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as “the Act, 2002”) for realization of due amount Rs.1, 78, 99, 630/- (Rupees one crore



seventy eight lacs ninety nine thousandth and six hundred thirty rupees only) by the Bank which obtained permission from the Debts Recovery Tribunal to sell the property vide order dated 17.07.2007 passed in OA No. 36 of 2003.

3. The Presiding Officer, Debts Recovery Tribunal, Patna granted permission for sale vide order dated 17.07.2007 and directed the respondent-Bank to proceed under the aforesaid Act after issuing due notice to all the defendants including the petitioner herein. Vide order dated 07.08.2007, the Presiding Officer, Debt Recovery Tribunal, Patna, restrained the respondent no. 5- Sri Raj Kumar Sinha, son of Ram Nandan Lal, resident of Sankat Mochan Marg, Machharhatta, Patna City, District-Patna, not to sell / alienate / transfer any movable or immovable properties of the firm.

4. Petitioner is aggrieved that in spite of the aforesaid order, the respondent no. 5 mischievously lifted the articles of the factory and an F.I.R. dated 18.08.2007 was lodged. Petitioner has made allegation that the officers of respondent-Bank are in collusion with respondent no. 5 who has knowingly violated the order dated 07.08.2007 passed by the Presiding Officer who had debarred the respondent no. 5 from selling, transferring, alienating, encumbering or otherwise dealing with



or disposing of the mortgaged or hypothecated or any other properties and assets of the firm, entered into Compromise with the Respondent No.5 and permitted him to sell the properties of the firm vide their letters No. RB/PAT/184 dated 12.11.2007 and Letter No. RB/PAT/F-32/285 dated 31.03.2008 after obtaining permission from the Tribunal to proceed in accordance with the provisions of the Act, 2002.

5. The matter is of the year 2008 and the records reveal that this case has been pending either for the reason that the parties have sought adjournment from time to time or non-appearance of the counsel on behalf of the petitioner.

6. Today the matter was called out repeatedly, but no one appeared on behalf of the petitioner.

7. Taking into consideration that the petitioner has already availed remedy as provided under Section 17 of the Act, 2002, the present writ petition seems to be misconceived and accordingly it stands dismissed.

(Purnendu Singh, J)

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