

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1719 of 2023

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Kulganga Enterprises Private Limited a company registered under the Indian Company Act, having registered office at Flat No. 406, Shyam Bindeshwar Residency, Sharma Path, Khajpura, Bailey Road, P.S.- Shastri Nagar, District- Patna through its Director Santosh Kumar, Male, aged about 48 years, Son of Shri Bhagwan Lal Jha, Resident of Flat No.- 122, Jamuna Apartment Boring Road, Bailey Road, P.S.- Shri Krishna Puri, District- Patna.

... .. Petitioner/s

Versus

1. Managing Director and Chief Executive Officer, Bank of Baroda Baroda Corporate Centre, C-26, G-Block, Bandra Kurla Complex, Bandra (East), Mumbai- 400051.
2. General Manager @ Head MSME Banking Department, Bank of Baroda, Baroda Corporate Centre, C-26, G-Block, Bandra Kurla Complex, Bandra (East), Mumbai- 400051.
3. General Manager, Bank of Baroda, Zonal Office, 5th Floor, Anand Vihar, Panchmukhi Mandir, West Boring Canal Road, Patna, Bihar- 800001.
4. Regional Manager, Bank of Baroda, Regional Office, 5th Floor, Anand Vihar, Panchmukhi Mandir, West Boring Canal Road, Patna, Bihar- 800001.
5. Chief Manager, Bank of Baroda, MSME Kadamkuan Branch, Geeta Bhawan, Patna, Bihar- 800003.
6. The Union of India Through the Registrar, Debts Recovery Tribunal, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Sanjay Singh, Advocate Mr. Chaitanya Krishna, Advocate
For the Respondent	:	Mr. Sanjay Singh Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA



ORAL ORDER

4 14-03-2023 The present petition has been preferred again seeking reliefs for which the petitioner had approached earlier to this Court by filing CWJC No. 7617 of 2022. A Division Bench of this Court after having noticed the prayers and the fact that the parties are litigating before the DRT, allowed the counsel for the petitioner's prayer to dispose of the writ petition with a direction to the Tribunal to decide the matter expeditiously. It appears that the issue with regard to the restructuring/ revival of the unit has not been considered by the DRT and, therefore, the present writ petition has been again preferred.

In the opinion of this Court, once the issue relating to the loan amount and demand of the bank, is being examined by DRT, the question regarding restructuring and revival of unit has to be taken up by the petitioner before the appropriate forum which cannot be the DRT as the DRT has a separate jurisdiction as laid down under the Act.

While attempt is being made to revive and restructure the unit, the same cannot be in any manner detriment to the proceedings before the DRT. Proceedings before the DRT can be continued and decided independently on its own. If the petitioner wants to avail the remedies with regard to restructuring/ revival of unit, he always has the liberty to take up



the same before the appropriate forum.

Granting such liberty to the petitioner, this writ petition is held to be not maintainable in view of the objections raised by the counsel for the respondent.

The writ petition stands dismissed as not maintainable.

(Sanjeev Prakash Sharma, J)

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