

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7704 of 2018

Mr. Vijay Singh, S/o Shri Nand Kishore Singh, R/o Flat No. 101, Prince Residency, New P.P. Colony, New Patliputra Colony, P.S.- Patliputra, District - Patna.

... .. Petitioner/s

Versus

1. State Bank Of India, (a body corporate constituted under State Bank of India Act, 1955) through its Chairman Cum Managing Director, having its Central Office at Madam Cama Road, Nariman Point, Mumbai, Maharashtra.
2. Asst. General Manager, State Bank of India, Retail Assets Central Processing Centre RACPC, 1st Floor, Patna Main Branch Building, West Gandhi Maidan, Patna.
3. Branch Manager, State Bank of India, Patliputra (Patna), 6, Patliputra Colony, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Jha, Advocate
		Mr. Vijay Kumar Verma, Advocate
For the Respondent/s	:	Mr. Satya Vrat, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-01-2023

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

“That the writ petition is being filed for declaration that the entire proceeding initiated by respondent Bank from taking over the possession of secured assets to sale is violative of Act regulating the same and in violation of directives issued by Apex Court in case of ICIC Bank Vs. Shanti Devi Sharma & Ors. since reported in (2008) 7 SCC 532.

The petitioner further prays for declaration that in view of RBI Circular if arrears of interest and



principal are paid by borrower in case of loan account classified on NPAs, the account should no longer be treated as non-performing and may be classified as "Standard Account".

The petitioner further prays for issuance of writ of mandamus restraining the respondent bank from transferring the ownership of vehicle to proposed auction purchaser.

The petitioner further prays for issuance of any other appropriate writ/writs, order/orders and or direction for which petitioner may be found entitled.”

Leaving the issue of maintainability open, we allow the petitioner to approach Respondent No. 3, namely, Branch Manager, State Bank of India, Patliputra (Patna), 6, Patliputra Colony, Patna submitting a proposal, complete in all respect, for One Time Settlement of the dispute, waiver of interest in terms of the policy of the Bank as also the guidelines of the Reserve Bank of India.

Learned counsel for the respondents has no objection to the same.

As and when any such request is received, the same shall be considered and decided expeditiously, in accordance with law, within a period of two months thereof, as per the policy of the Bank as also the guidelines of the Reserve Bank of India.

Obviously, such decision has to be on the basis of parity in relation to similarly situated persons.



In the event of petitioner failing to deposit the amount, within the agreed time, it shall be open for the bank to take appropriate action in accordance with law.

We clarify that we have not expressed any opinion on merits. All issues are left open.

Till such time proposal is pending with the authorities, no coercive action shall be taken against the petitioner.

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Saurabh/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	26.01.2023
Transmission Date	

