

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19729 of 2013

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Rajdeo Singh S/O - Sri Phabhu Singh Resident Of Dumari Adda, P.S .-
Doriganj, District - Saran, Bihar

... .. Petitioner/s

Versus

1. Union Bank Of India and Ors Interlaying Carrying On Business At Nodal Regional Office, Nasheman Majharaul Haque Path, Patna - 800001
2. The Authorized Officer, Union Bank Of India Having His Office At Nodal Regional Office, Nasheman Ma
3. Narendra Kumar Singh Residing At Village - Dumari Adda, Police Station - Doriganj, District - Saran , Bihar
4. Prabhunath Singh Residing At Village - Dumari Adda, Police Station - Doriganj, District - Saran , Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent no.2 : Mr. Sanjeev Kumar, Adv.
Mr. Anup Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 03 -04-2023

No one appears for the petitioner.

The petitioner, by way of this writ petition, challenges the order passed by the Debt Recovery Appellate Tribunal, Kolkata whereby the appeal of the petitioner was dismissed on the point of limitation holding that the DRAT does not have the power for condonation of delay. It has relied upon



the judgment passed by the High Court of Madhya Pradesh, Jabalpur in Writ Petition No. 2393 of 2011 decided on 05.09.2011 as well as the judgment passed by the Division Bench of the High Court of Madhya Pradesh in the case of Baleshwar Dayal Jaiswal vs. Bank of India, reported in (2016) 1 SCC 444, by which, while overruling the aforesaid judgment of the Jabalpur Bench, the Division Bench of Madhya Pradesh High Court has held as under:-

“As a result of the above discussion, the question is answered in the affirmative by holding that delay in filing an appeal under Section 18(1) of the SARFAESI Act can be condoned by the appellate Tribunal under proviso to Section 20(3) of the RDDB Act read with Section 18(2) of the SARFAESI Act. The contrary view taken by the madhya Pradesh High Court in Seth Banshidhar Kedia Rice Milla (P) Ltd. Case¹ is overruled.”

In view of the above, the impugned order passed by the DRAT, Kolkata is set aside and the matter is remanded to the DRAT, Kolkata for being dealt with, afresh in accordance with law.



The writ petition is allowed.

(Sanjeev Prakash Sharma, J)

Gauravkr/-
Item No. 48

AFR/NAFR	
CAV DATE	
Uploading Date	03.04.2023
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