

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6269 of 2023

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M/s. Gurudeo Kripa Engineering Organization through its Proprietor, Abhay Kumar Singh (borrower) (male), aged about 57 years, Son of Krishna Kumar Pd. Singh C/o. Sri A.P. Singh, Engineers Enclave, beside Maa Ambika Bhawani School, Bibiganj, District- Muzaffarpur. Petitioner

Versus

1. The Zonal Manager Indian Bank, Zonal Office, Muzaffarpur, Om Shanti Complex, P.O. - Ramna, P.S.- Mithanpura, District- Muzaffarpur.
2. The Chief Manager and Authorized Officer, Indian Bank, P.S. Mithanpura, District- Muzaffarpur.
3. The Branch Manager, Indian Bank, Shyam Nandan Road, Motijheel, P.S. Town Thana, Muzaffarpur, Dist-Muzaffarpur.
4. The District Magistrate Muzaffarpur, District- Muzaffarpur.
5. The Sub-Divisional Officer (West) Muzaffarpur, District- Muzaffarpur.
6. The Additional Collector, Muzaffarpur, District Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.
For the State	:	Mr. Manoj Kumar, AC to GP-24
For the Bank (Indian Bank)	:	Mr. Rajan Ghoshrahe, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-05-2023 No one appears for the petitioner.

Learned counsel for the Bank as well as the State are present.

The petitioner in the present case is seeking a direction to the respondent-Bank to allow him to deposit and accept the sum of Rs.21,07,601.26 which is said to be the balance amount in the loan account of the petitioner.

On perusal of the records, it appears that the Bank has proceeded against the security interest in accordance with the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short



‘SARFAESI Act, 2002’). The petitioner had earlier moved this Court in CWJC No. 15054 of 2022, in which vide order dated 07.11.2022, this Court directed the petitioners to file an affidavit showing payment of Rs.7 lakhs. Subject to the said direction, this Court directed that till next date, no coercive step shall be taken by the respondents against the petitioners for recovery of the loan amount in question.

Learned counsel for the Bank has informed this Court that the petitioner deposited Rs.7 lakhs but thereafter no further amount was deposited. The petitioner withdrew the said writ application on 24.11.2022.

It is submitted that presently a SARFAESI application being S.A. No. 339 of 2022 is pending consideration before the Debts Recovery Tribunal. The order dated 27.03.2023 passed by Debts Recovery Tribunal, Patna has been pointed out to this Court which is Annexure ‘5’ to the writ application. The said case is fixed for hearing and disposal on 17.05.2023.

In the aforesaid view of the matter, this Court finds no reason to entertain this writ application on this subject.

This application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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