

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7367 of 2023

1. M/s Niranjan Textiles Limited a Company Incorporated Under the Provisions of the Companies Act, 1956 having its registered Office at Ashirwas Bhawan, Exhibition Road, Patna, 800001 and Factory at Industrial Plot No. M/6 Industrial Area, Jasidih, Deoghar, JHarkhand-814142 through its Director namely Niranjan Upadhyay, Male, aged 72 Years, S/o Late Suresh Nandan Singh, R/O-M/6 Industrial Area, Jasidih, P.S. Jasidih, District-Deoghar-814142, Jharkhand.
2. Niranjan Upadhyay S/o Late Suresh Nandan Singh R/o-M/6 Industrial Area, Jasidih, P.S. Jasidih, District-Deoghar-814142., Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secreary, Department of Industries, Bihar, Patna.
2. The Bihar State Credit and Investment Corporation Limited, having its registered Office at Indira Bhawan, 4th Floor, R.C. Singh Path, Patna-800001 through its Managing Director.
3. The Managing Director, The Bihar State Credit and Investment Corporation Limited, having its registered Office at Indira Bhawan, 4th Floor, R.C. Singh Path, Patna-800001.
4. The Bihar State textile Corporation Limited, having its registered Office at Indira Bhawan, 4th Floor, R.C. Singh Path, Patna-800001 through its Managing Director.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satyabir Bharti, Advocate
For the Respondent/s : Mr. Amit Prakash (GA-13)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 17-05-2023

In the instant petition, petitioner has prayed for the

following relief(s):-

“1. (i) Issuance of a writ of certiorari, quashing item 4 of the sale notice dated 03.05.2023 and corrigendum dated 6.5.2023, published in the daily newspaper



namely Hindustan and Prabhat Khabhar, by which in purported exercise of powers conferred under section 29 of the State Financial Corporations, Act, 1951, the Lease Hold Land, Building, Plant and Machinery of the Petitioner Company has been advertised for Auction Sale, on as is where basis to be held on 25.05.2023 by the Respondent No. 2 namely the Bihar State Credit and Investment Corporation Limited;

(ii) To direct the Respondents particularly the Respondent No. 2 to consider petitioner's representation dated 29th April, 2023 and notify the One-time settlement scheme, so that eligible industries in default including the petitioner can avail an opportunity to settle their outstanding dues;

(iii) To pass such other order(s), direction(s) as your Lordships may deem fit and proper in the facts and circumstances of the case."

2. The petitioner has questioned the sale notice in the daily newspaper namely *Hindustan and Prabhat Khabhar* in the light of Section 29 of the State Financial Corporations Act, 1951 like the Leasehold Land, Building, Plant and Machinery of the petitioner company. The respondents have issued notice on 19.12.2022 whereas the petitioner has not responded timely. On the other hand, when the process of auction was invoked, the petitioner has submitted representation on 29.04.2023 for one time settlement. It is undisputed fact that there is no scheme relating to one time settlement so as to examine the petitioner's representation. In other words, petitioner has no statutory right to seek writ of *mandamus* for consideration of his representation dated 29.04.2023.



3. Accordingly, the present petition stands dismissed.
Petitioner is at liberty to participate in auction sale to be held on
25.05.2023.

(P. B. Bajanthri, J)

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