

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2369 of 2022

In
Civil Writ Jurisdiction Case No.3340 of 2022

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M/s Vidyapati Cold Storage Pvt. Ltd. a Company Incorporated Under Companies Act,1956 having its registered Office at 113, Hemchandra Naskar Road, Kolkata, West Bengal, India- 700010 Having its Place of Work at Vidyapati Nagar, Samastipur at Bihar through its Managing Director Ashok Kumar, aged about 72 Years (Male), Son of Jangilal Sah, Resident of House No. 48, Mirjapurganj, Vidyapati Nagar, Samastipur, Bihar- 848503.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Personnel and Administration, Govt. of Bihar, Patna.
2. District Magistrate, Samastipur, Bihar.
3. Sub-Divisional Magistrate, Samastipur.
4. Authorized Officer, Punjab National Bank, Circle Sastra, Bhagalpur (Ground Floor-Naulakha Apartment) Opp. DIG Kothi, Badi Khanjarpur, Bihar-812001.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Adv. Mr. Ujjwal Kumar, Adv.
For the Bank	:	Mr. Arvind Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 28-02-2023 Heard the learned counsel for the parties.

This application has been filed for modification of

the order dated 04.04.2022, passed in C.W.J.C. No. 3340

of 2022, by a co-ordinate Bench of this Court, whereby on



the undertaking given by the petitioner that he shall deposit Rs. 60 lakhs by 31.03.2022 and the balance outstanding amount by 30.11.2022, the proceedings for recovering the debt was forestalled.

It appears that the petitioner has paid Rs. 60 lakhs and as on date, out of the balance amount of Rupees Two Crores Eighty-One Lakhs and odd, some amount has also been given by post-dated cheques.

However, the petitioner promises that the entire dues shall be paid within six months, *i.e.*, by 31st of August, 2023.

The learned counsel for the Bank, however, submits that the petitioner is already in breach of his agreement and should not be given such a long rope.

However, considering the reasons ascribed by the petitioner for not fulfilling the agreement in its entirety, we are persuaded to extend the period of time for making payment of balance outstanding amount by 31st August, 2023, failing which necessary action can be taken by the concerned Bank.



The application stands allowed and the order dated 04.04.2022, referred to above, is modified to the extent indicated above.

(Ashutosh Kumar, J)

sharun/praveen-

(Harish Kumar, J)

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