

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23292 of 2013

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1. M/s. Pyasa Plastic Industries through its proprietor namely Sri Pawan Kumar, situated at behind Mona Cinema, Opposite Ghandhi Maidan, P.S.- Pirbahore Town and Distt.- Patna.
 2. Pawan Kumar, S/o Late Sri Laxman Sah Resident of Mohalla- Bakarganj Daldali Road, P.S- Kadamkuan, Distt- Patna, At Present Bakarganj, Behand Mona Cinema, P.S.- Pirbahore, Distt.- Patna.
 3. Murari Shankar, S/o Late Sri Laxman Sah Resident of Mohalla- Bakarganj Daldali Road, P.S- Kadamkuan, Distt- Patna, At Present Bakarganj, Behand Mona Cinema, P.S.- Pirbahore, Distt.- Patna.
 4. Sri Raj Kumar, S/o Late Sri Laxman Sah Resident Of Mohalla- Bakarganj Daldali Road, P.S- Kadamkuan, Distt- Patna At Present Bakarganj Behand Mona Cinema, P.S- Pirbahore, Distt- Patna.

... .. Petitioner

Versus

1. State Bank of India Ashok Rajpath Branch, having its head office at Ashok Rajpath, PS-Pirbahore, PO-GPO, District-Patna, Bihar-800004.
2. The Branch Manager, State Bank of India, Ashok Rajpath Branch, Ashok Rajpath, PS-Pirbahore, PO-GPO, District-Patna, Bihar-800004.
3. The Authorized Loan Officer, State Bank of India, Ashok Rajpath Branch, Ashok Rajpath, PS-Pirbahore, PO-GPO, District-Patna, Bihar-800004.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Mukesh Kumar, Advocate
For the Respondents	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL ORDER

19 16-07-2024

1. Heard the Learned counsel for the petitioners as well as the Learned counsel for the respondent-Bank.

2. Learned counsel for the petitioners urged that the petitioners' Bank Account has become NPA in the year 2006, but the proceedings of the Securitisation and Reconstruction of Financial Assets and Enforcement of



Security Interest Act, 2002 ('SARFAESI Act' in short) were initiated against the petitioner in the year 2013. It is also contended that it is a time bared debt, therefore, the present writ petition is filed seeking to set aside the notice of the SARFAESI Act.

3. At this juncture, it is pertinent to mention the judgments of the Hon'ble Apex Court, which are as follows:

(i). ***CELIR LLP VS. BAFNA MOTORS (MUMBAI) PRIVATE LIMITED AND OTHERS*** reported in ***2023 SCC Online SC 1209***.

(ii). ***PHR INVENT EDUCATIONAL SOCIETY VS. UCO BANK AND OTHERS*** reported in ***2024 INSC 297***.

(iii). ***UNITED BANK OF INDIA VS. SATYAWATI TONDON AND OTHERS*** reported in ***2010 SCC Online SC 776***.

4. The Hon'ble Apex Court in these judgments has time again stated the High Courts not to interfere under Article 226 of the SARFAESI Act proceedings, except under the exceptions carved out in the judgment of the ***PHR INVENT EDUCATIONAL SOCIETY*** (supra).



5. At this juncture, Learned counsel for the petitioners intends to withdraw this writ petition with the leave to approach the DRT (Debt Recovery Tribunal) to make the claims before the Tribunal.

6. Permission is accorded and leave is also granted to the petitioners to approach the appropriate forum to raise all their claims and the appropriate forum shall dispose of the matter in accordance with law.

7. In view of the above discussions, the writ petition is dismissed as withdrawn.

(G. Anupama Chakravarthy, J)

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