

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10843 of 2024

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Chandra Kishore Singh Son of late Vishwanath Singh, Resident of Village-
Malahi Bazar, Babu Tola, P.O. and P.S. Malahi Bazar, Sub- Division- Areraj,
District- East Champaran, Pin- 845425, at Present Partner No.5 of M/S Jai
Hanuman Cold Storage, Malahi. ... Petitioner

Versus

Uco Bank Branch, Bettiah Saran Sadan, Kavivar Nepali Path, Bettiah, West
Champaran ... Respondent

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Appearance :

For the Petitioner : Mr.Umesh Tiwari, Adv.
For the Respondent : Mr.Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 20-11-2024 Heard the parties.

2. The present writ petition has been filed for the
following relief(s) :

*“..... for issuance of Writ in the nature of
Certiorari to quash the Order dated 24.6.2024,
passed in R.P. Case No.298 of 2023 by Recovery
Office, D.R.T., Patna and also for issuance of
Direction to D.R.T., Patna for deciding the Objection
filed Under Rule-11 of Schedule-2 of Income Tax Act
of 1963 read with Section 9 Public Demand
Recovery Act and also read with Under Section 47
C.P.C. on behalf of Certificate Debtor No.5 namely
Chandra Kishore Singh.”*

3. Challenging the order passed by the Recovery
Officer, dated 24.06.2024, the present Writ Petition is filed. The
petitioner has filed an application seeking review of the order,



dated 14.05.2024, whereby the objections filed by the petitioner at the time of execution has been dismissed. Learned counsel has stated that the Recovery Officer, Debts Recovery Tribunal is illegal, bad and perverse and out not to have dismissed the application made by the petitioner seeking review of the order, dated 14.05.2024. The counsel for the petitioner has sought to argue on the merits of the case, however, this Court is not inclined to entertain the present Writ Petition for the following reasons.

4. The admitted case is that the Respondent-Bank has earlier filed Original Application before the Debts Recovery Tribunal under Section 19 of the Recovery of Debts and Bankruptcy Act, 1993. The petitioner herein was arrayed as Defendant No. 5 in the said case. The said Original Application was numbered as O.A. Case No.971 of 2018 and was disposed of by the learned Presiding Officer, Debts Recovery Tribunal, on 18.04.2023. The application made by the applicant Bank was allowed and the debt payable by the defendants including the petitioner herein was ordered to be paid. Thereafter, the petitioner has filed R.P. Case No. 298 of 2023 seeking stay of recovery of the debt amounts and certificate amounts by way of auction sale of the mortgaged property, raising several grounds.



The said R.P. Case No. 298 of 2023 was dismissed on 14.05.2024, thereafter, the present review application has been filed seeking review of the order, dated 14.05.2024, which came to be dismissed on 24.06.2024. The R.P. Case No. 298 of 2023 was dismissed holding that the grounds raised by the petitioner herein have already been discussed in Original Application No. 971 of 2018 and in the execution proceedings the correctness or otherwise of the recovery certificate against the certificate debtors cannot be gone into and leaving it to open to the petitioner to challenge the final order passed in O.A. Case No. 971 of 2018 dated 18.04.2023 before the appellate forum. As rightly held by the Recovery Officer in R.P. Case No. 298 of 2023 dated 24.06.2024 the executing Court cannot go behind the recovery certificate. In case the petitioner is aggrieved by the order passed in O.A. Case No. 971 of 2018 dated 18.04.2023, his remedy is to file a statutory appeal under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act before the Debts Recovery Appellate Tribunal, Allahabad, and seek necessary relief but for reasons best known to the petitioner it appears that he has not done so.

5. This Court does not find any infirmity or illegally



in the order passed by the Recovery Officer dismissing the application made by the petitioner seeking review of the order, dated 14.05.2024, the petitioner is remedy is to file an appeal before the appropriate forum if he is aggrieved by the order, dated 14.05.2024, passed in O.A. Case No. 971 of 2018 dated 18.04.2023 or in R.P. Case No. 298 of 2023, dated 14.05.2024. Further it is to be noted that unless and until the statute provides remedy of review the same cannot be entertained as a matter of right and the scope of the review is also limited.

6. This Court does not find any merit in the present Writ Petition which warrants any interference by this Court and the same is accordingly dismissed.

(A. Abhishek Reddy , J)

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