

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25547 of 2019

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1. M/s Asadullah Cold Storage Partnership firm having place of business at Chanp, village and P.O. Chanp, P.S. Pachrukhi, District- Siwan, through its Managing partner, Naushad Ali Farooqui, aged about 50 years, Male, son of Mohammad Ali, resident of village Chanp, P.S.- Pachrukhi, District- Siwan.
 2. Naushad Ali Farooqui Son of Mohammad Ali Managing Partner, resident of village Chanp, P.S.- Pachrukhi, District- Siwan.
 3. Mohammad Ali Son of Late Hazi Abdula Zabbar Farooqui Resident of village Chanp, P.S.- Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

1. The Union of India India.
2. The Debt Recovery Tribunal Bihar at Patna.
3. The Recovery Officer Debt Recovery Tribunal, Bihar at Patna.
4. The Presiding Officer Debt Recovery Tribunal, Bihar at Patna.
5. Bank of Baroda Having its corporate office, Bandra Kurla Complex, Bandra East, Mumbai 51.
6. Bank of Baroda Saran Siwan through its Branch Manager at Siwan, P.O. Siwan, P.S.- Siwan, District- Siwan.
7. The Senior Manager Bank of Baroda, Regional Office, Muzaffarpur.
8. The Chief Manager Recovery Cell, Bank of Baroda, Patliputra, Branch, Patna.
9. The Senior Manager State Bank of India, A B O Siwan.
10. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
11. The Collector-cum- District Magistrate Siwan.
12. The Sub-Divisional Magistrate Siwan.
13. The Anchal Adhikari Pachrukhi, District- Siwan.
14. The Superintendent of Police Siwan.
15. The Officer-in-Charge Pachrukhi P.S. and District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary
For the Respondent/s : Mr. Subash Chandra Yadav (Gp15)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 26-02-2024 1. Heard the parties.



2. It is not disputed that the petitioner took a loan of Rs. 1.98 crores from the bank and the loan account was declared N.P.A.
3. Mr. Sanjay Singh, learned senior counsel for the petitioner submits that under the O.T.S. scheme, a total amount arrived at to be paid by the petitioner is Rs. 3.30 crores as well as Rs. 27.27 lacs towards interest. The petitioner was required to pay the interest of Rs. 27.27 lacs upto 31.03.2023. Learned senior counsel further submits that Rs. 3.30 crores has already been paid to the bank. The respondent/bank has published an auction notice showing therein the entire amount of Rs. 3.30 crores along with interest.
4. Learned counsel undertakes to pay the interest amount of Rs. 27.27 lacs along with the applicable interest from 31.03.2023 upto the last date of payment. Accordingly, the prayer is that further three months time may be given to the petitioner to pay the aforesaid amount i.e., Rs. 27.27 lacs plus interest amount from 31.03.2023 upto the last date of final payment.
5. Learned counsel for the bank submits that auction notice published for sale on 18.01.2022 has been kept in



abeyance.

6. Having regard to the undertaking given by the petitioner, the petitioner is granted three months further time for depositing the interest amount of Rs. 27.27 lacs along with applicable rate of interest starting from 31.03.2023 till the last date of payment. It is made clear that if the petitioner resiles from his promise and does not pay the aforesaid amount within allocated time, the bank shall be at liberty to take the course for recovery of the amount in accordance with the provisions of law.
7. Accordingly, the present writ application stands disposed.

(Anil Kumar Sinha, J)

HarshPandey/-

